

United States 7

Circuit Court of Appeals

For the Ninth Circuit.

FRANK H. SCHURMANN,

Appellant,

vs.

THE UNITED STATES OF AMERICA,

Appellee.

Transcript of Record.

Upon Appeal from the United States District Court for
the Territory of Hawaii.

FILED

JAN 22 1920

**F. D. MONCKTON,
CLERK.**

United States
Circuit Court of Appeals
For the Ninth Circuit.

FRANK H. SCHURMANN,

Appellant,

vs.

THE UNITED STATES OF AMERICA,

Appellee.

Transcript of Record.

Upon Appeal from the United States District Court for
the Territory of Hawaii.

INDEX TO THE PRINTED TRANSCRIPT OF RECORD.

[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

	Page
Affidavit of C. H. McBride in Support of Motion for Continuance of Trial.....	37
Answer.....	22
Appearance and Answer.....	22
Appearance of Dr. F. Schurmann.....	21
Assignment of Errors of Frank H. Schurmann, Defendant and Appellant....	208
Bill in Equity.....	9
Bond on Appeal of Frank H. Schurmann.....	216
Certificate of Clerk U. S. District Court to Transcript of Record.....	373
Citation on Appeal.....	213
Decree.....	198

EXHIBITS:

Exhibit "A" to Bill in Equity—Certificate of Citizenship.....	12
Exhibit "B" to Bill in Equity—Affidavit of Jeannette Ryan (Mrs. John W. Ryan) .	13
U. S. Exhibit "A"—Song Entitled "It's a Long and Rocky Road to Berlin"....	40
U. S. Exhibit "B"—Pamphlet Entitled "The War as Seen Thru German Eyes".....	44

	Index.	Page
EXHIBITS—Continued:		
Defendant's Exhibit "A"—Excerpt from Honolulu "Star Bulletin".....		171
Defendant's Exhibit "B"—Letter, Dated April 24, 1916, Patterson to Schurmann		185
Defendant's Exhibit "C"—Letter Dated August 27, 1917, U. S. Attorney to Schurmann		187
Judgment		198
Motion for Continuance of Trial.....		34
Names and Addresses of Attorneys.....		1
Notice of Appeal of Frank H. Schurmann and Order Allowing Same.....		201
Notice of Filing of Bond on Appeal of Frank H. Schurmann		218
Opinion		190
Order Allowing Appeal and Fixing Amount of Bond		206
Order Extending Time to September 10, 1919, to Transmit Record on Appeal.....		1
Order Extending Time to October 10, 1919, to Transmit Record on Appeal.....		2
Order Extending Time to November 10, 1919, to Transmit Record on Appeal.....		4
Order Extending Time to December 10, 1919, to Transmit Record on Appeal.....		5
Order Extending Time to December 20, 1919, to Transmit Record on Appeal ...		6
Petition on and for Appeal.....		202
Praeceptum for Transcript of Record.....		371
Statement of Clerk		7

Index.	Page
Stipulation Re Transcript of Testimony	220
Transcript of Testimony	222
TESTIMONY ON BEHALF OF PLAIN- TIF:	
ALLEN, HENRY	273
Cross-examination	280
BEASLEY, MARY JANE	263
Cross-examination	265
HOLLIDAY, R. E.	254
Cross-examination	260
KNOLLENBERG, BERNARD H.	227
Cross-examination	236
LUDWIG, JANET	267
Cross-examination	271
TESTIMONY ON BEHALF OF RESPOND- ENT:	
BERNARD, OSCAR	336
Cross-examination	340
Redirect Examination	346
Recross-examination	347
Redirect Examination	349
HITCHCOCK, ALLEINE, L.	308
Cross-examination	312
HITCHCOCK, MARTHA B.	299
Cross-examination	303
Redirect Examination	307
HUBER, S. C.	352
SCHURMANN, FRANK H.	286
Cross-examination	289
Recalled	313
Cross-examination	330
Recalled	351

Names and Addresses of Attorneys.

For the United States of America:

S. C. HUBER, Esq., United States District Attorney, in and for the District and Territory of Hawaii, and JAS. J. BANKS, Esq., Assistant United States Attorney, in and for the District and Territory of Hawaii.

For the Respondent, Frank H. Schurmann:

C. H. McBRIDE, Esq., Honolulu, Hawaii.
[1*]

*In the District Court of the United States in and for
the District and Territory of Hawaii.*

EQUITY NUMBER 10.

THE UNITED STATES OF AMERICA,
Plaintiff,

vs.

FRANK H. SCHURMANN,
Defendant.

**Order Extending Time to September 10, 1919, to
Transmit Record on Appeal.**

Now, on this 9th day of August, A. D. 1919, it appearing from the representations of the clerk of this court, that it is impracticable for said clerk to prepare and transmit to the clerk of the Ninth Circuit Court of Appeals, at San Francisco, California, the transcript of the record on assignment of error in the above-entitled cause, within the time limited

*Page-number appearing at foot of page of original certified Transcript of Record.

therefor by the citation heretofore issued in this cause, it is ordered that the time within which the clerk of this Court shall prepare and transmit said transcript of the record on assignment of error in this cause, together with the said assignment of errors and all papers required by the praecipe of plaintiff in error herein, to the clerk of the Ninth Circuit Court of Appeals, be, and the same is hereby extended to September 10, A. D. 1919.

Dated at Honolulu, Hawaii, August 9, A. D. 1919.

HORACE W. VAUGHAN,
Judge U. S. District Court, Hawaii.

Filed August 9, 1919. A. E. Harris, Clerk. Wm. L. Rosa, Deputy Clerk. [2]

*In the District Court of the United States in and for
the District and Territory of Hawaii.*

No. 10—(EQUITY).

THE UNITED STATES OF AMERICA,
Plaintiff,

vs.

FRANK H. SCHURMANN,
Defendant.

**Order Extending Time to October 10th, 1919, to
Transmit Record on Appeal.**

Now, on this 10th day of September, A. D. 1919, it appearing from the representations of the clerk of this court, that it is impracticable for said clerk to prepare and transmit to the clerk of the Ninth

Circuit Court of Appeals, at San Francisco, California, the transcript of the record on assignment of error in the above-entitled cause, within the time limited therefor by the citation heretofore issued in this cause, it is ordered that the time within which the clerk of this court shall prepare and transmit said transcript of the record on assignment of error in this cause, together with the said assignment of errors and all papers required by the praecipe of plaintiff in error herein, to the clerk of the Ninth Circuit Court of Appeals, be, and the same is hereby extended to October 10th, A. D. 1919.

Dated at Honolulu, Hawaii, September 10th, A. D. 1919.

HORACE W. VAUGHAN,
Judge, United States District Court.

Filed Sept. 10, 1919. A. E. Harris, Clerk. Wm.
L. Rosa, Deputy Clerk. [3]

*In the District Court of the United States in and for
the District and Territory of Hawaii.*

No. 10.

THE UNITED STATES OF AMERICA,
Plaintiff,

vs.

FRANK H. SCHURMANN,
Defendant.

**Order Extending Time to November 10, 1919, to
Transmit Record on Appeal.**

Now, on this 10th day of October, A. D. 1919, it appearing from the representations of the clerk of this court, that it is impracticable for said clerk to prepare and transmit to the clerk of the Ninth Circuit Court of Appeals, at San Francisco, California, the transcript of the record on assignment of error in the above-entitled cause, within the time limited therefor by the citation heretofore issued in this cause, it is ordered that the time within which the clerk of this court shall prepare and transmit said transcript of the record on assignment of error in this cause, together with the said assignment of errors and all papers required by the praecipe of plaintiff in error herein, to the clerk of the Ninth Circuit Court of Appeals, be, and the same is hereby extended to November 10th, A. D. 1919.

Dated at Honolulu, Hawaii, October 10th, 1919.

HORACE W. VAUGHAN,
Judge, U. S. District Court, Hawaii.

Filed Oct. 10, 1919. A. E. Harris, Clerk. Wm.
L. Rosa, Deputy Clerk. [4]

*In the District Court of the United States in and for
the District and Territory of Hawaii.*

No. 10.

THE UNITED STATES OF AMERICA,
Plaintiff,

vs.

FRANK H. SCHURMANN,
Defendant.

**Order Extending Time to December 10, 1919, to
Transmit Record on Appeal.**

Now, on this 10th day of November, A. D. 1919, it appearing from representations of the clerk of this court that it is impracticable for said clerk to prepare and transmit to the clerk of the Ninth Circuit Court of Appeals, at San Francisco, California, the transcript of the record on assignment of error in the above-entitled cause, within the time limited therefor by the citation heretofore issued in this cause, it is ordered that the time within which the clerk of this court shall prepare and transmit said transcript of the record on assignment of errors and all papers required by the praecipe of plaintiff in error herein, to the clerk of the Ninth Circuit Court of Appeals, be, and the same is hereby extended to December 10, 1919.

Dated at Honolulu, Hawaii, November 10th, 1919.

HORACE W. VAUGHAN,
Judge, United States District Court.

Filed Nov. 10, 1919. A. E. Harris, Clerk. Wm.
L. Rosa, Deputy Clerk. [5]

*In the District Court of the United States in and for
the District and Territory of Hawaii.*

EQUITY—NUMBER 10.

THE UNITED STATES OF AMERICA,
Plaintiff,

vs.

FRANK H. SCHURMANN,
Defendant.

**Order Extending Time to December 20, 1919, to
Transmit Record on Appeal.**

Now, on this 28th day of November, A. D. 1919, it appearing from the representations of the clerk of this court, and it is impracticable for said clerk to transmit to the clerk of the Ninth Circuit Court of Appeals, at San Francisco, California, the transcript of the record on appeal herein on the 10th day of December, A. D. 1919, it is ordered that the time within which the clerk of this court shall transmit said transcript of record on appeal herein, together with all papers required by the praecipe of plaintiff in error herein, to the clerk of the Ninth Circuit Court of Appeals, be, and the same is hereby extended to December 20, 1919.

Dated at Honolulu, Hawaii, November 28, 1919.

HORACE W. VAUGHAN,
Judge, U. S. District Court, Hawaii.

Filed Nov. 28, 1919. A. E. Harris, Clerk. Wm. L. Rosa, Deputy Clerk. [6]

*In the United States District Court in and for the
District and Territory of Hawaii.*

No. 10.

THE UNITED STATES OF AMERICA,
Plaintiff,
vs.
FRANK H. SCHURMANN,
Respondent.

Statement of Clerk.

TIME OF COMMENCEMENT OF SUIT.

August 27, 1918: Bill in Equity filed.

NAMES OF ORIGINAL PARTIES.

Plaintiff: The United States of America.

Respondent: Frank H. Schurmann.

DATES OF FILING OF PLEADINGS.

August 27, 1918: Bill in Equity.

October 19, 1918: Personal appearance of Frank H. Schurmann.

October 25, 1918: Answer and appearance of Frank H. Schurmann.

January 7, 1919: Motion for continuance.

SERVICE OF PROCESS.

August 27, 1918: Subpoena in Equity issued and delivered to the United States Marshal and filed on return, August 28, 1918, with the following return by the said United States Marshal: "United States Marshal's Office. Marshal's Return. The within Subpoena was received by me on the 27th day of

August, 1918, and is returned as executed upon Frank H. Schurmann this 28th day of August, A. D. 1918, by handing to and leaving with him a certified copy of the Original Subpoena. J. J. Smiddy, United States Marshal. By C. J. Laval, Deputy U. S. Marshal. Dated at Honolulu this 28th day of August, A. D. 1918." [7]

HEARINGS.

October 29, 1918: Proceedings at hearing.

January 7, 1919: Proceedings at hearing.

January 9, 1919: Proceedings at hearing.

January 10, 1919: Proceedings at argument and order cancelling Certificate of Citizenship.

January 18, 1919: Notice of appeal and notice of motion for new trial.

The above hearings and proceedings were had before the Honorable HORACE W. VAUGHAN, Judge of said court.

DECISION.

January 15, 1919: Decree filed and entered.

January 20, 1919: Opinion of Court filed. (Vaughan, J.)

PETITION FOR APPEAL.

July 10, 1919: Petition for appeal and order allowing same filed.

United States of America,
Territory of Hawaii,—ss.

I, A. E. Harris, Clerk of the United States District Court, for the Territory of Hawaii, do hereby certify the foregoing to be a full, true and correct statement showing the time of commencement of the

above-entitled suit; the names of the original parties thereto; the several dates when the respective pleadings were filed; and account of the proceedings showing the service of the subpoena and the time when the judgment herein was rendered and the Judge rendering same, in the above-entitled cause.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District Court this 29th day of November, A. D. 1919.

[Seal] A. E. HARRIS,
Clerk U. S. District Court, Territory of Hawaii.

[8]

*In the United States District Court in and for the
Territory of Hawaii.*

APRIL TERM, 1918.

UNITED STATES OF AMERICA

vs.

FRANK H. SCHURMANN.

Bill in Equity.

To the Honorable HORACE W. VAUGHAN and
the Honorable JOSEPH B. POINDEXTER,
Judges of the United States District Court, in
and for the District of Hawaii.

Comes now the United States of America, by S. C. Huber, United States District Attorney in and for the District of Hawaii, and who is authorized by law to institute and prosecute this suit for and on behalf of the United States, and for its cause of complaint against respondent, alleges,—

First. That the respondent, Frank H. Schurmann, is a resident of the city of Honolulu, County of Oahu, District of Hawaii.

Second. That prior to December 17, 1904, respondent was a subject of the Imperial German Government and of William II, German Emperor.

Third. That the respondent on, to wit, the 17th day of December, 1904, in the United States of America, in the State of California, county of Los Angeles, became a citizen of the United States of America by naturalization, and on said day and at said place, a certificate of citizenship was issued and delivered to the respondent out of and by the Superior Court of Los Angeles County, which said Court was then and there a Court of Record having common law jurisdiction and a clerk and seal, and having jurisdiction to issue said certificate of citizenship. A true and correct copy of said certificate of citizenship is hereto attached, marked Exhibit "A," and made a part of this bill of complaint. [9]

Fourth. That before bringing this suit there was presented to the aforesaid S. C. Huber, United States District Attorney for the District of Hawaii, as aforesaid, an affidavit duly signed and sworn to by one Jeannette Ryan (Mrs. John W. Ryan), which said affidavit is hereto attached and marked Exhibit "B."

Fifth. That before said certificate of citizenship could, under the law, be issued to respondent, and before it was issued to him, he was required by law to make oath before the Court issuing said certificate, and did make and subscribe an oath before said Court,

in substance as follows: That he would support the Constitution of the United States of America, and that he absolutely and entirely renounced and abjured all allegiance to every foreign prince, potentate, state or sovereignty whatever, and particularly to the Imperial German Government and William II, German Emperor, of whom he had hitherto been a subject, as aforesaid.

Sixth. That the said certificate of citizenship that was then and there issued to respondent as aforesaid was procured by respondent by fraud, in this: That at the time respondent made the oath of allegiance referred to in the next preceding paragraph, he falsely and fraudulently made oath that he absolutely renounced and abjured all allegiance and fidelity to every foreign prince, potentate, state or sovereignty whatever, and particularly to the Imperial German Government and William II, German Emperor; complainant alleges that the respondent did not at such time and place absolutely and entirely abjure and renounce all allegiance and fidelity to every foreign prince, potentate, state or sovereignty whatever, and particularly to the Imperial German Government and William II, German Emperor, but did then and there fraudulently reserve and keep in whole, or in part, his allegiance and fidelity to the Imperial German Government, and to William II, German [10] Emperor.

PRAYER.

The premises considered, the complainant prays upon the final hearing of this cause that it be ordered and decreed that the certificate of citizenship hereto-

fore issued to the respondent be set aside and canceled, and for such other general relief as may to the Court be deemed just and equitable.

(Sgd.) S. C. HUBER,

United States Attorney,

(Sgd.) JAS. J. BANKS,

Asst. United States Attorney,

Solicitors for Complainant. [11]

Exhibit "A" to Bill in Equity.

CERTIFICATE OF CITIZENSHIP.

United States of America,
State of California,
County of Los Angeles,—ss.

BE IT REMEMBERED, That on the 17th day of December, in the year of our Lord one thousand nine hundred and four, FRANK H. SCHURMANN, formerly of Germany, at present of the State of California, aforesaid, appeared in the Superior Court of Los Angeles County, the said court being a court of record, having common-law jurisdiction, and a clerk and seal, and applied to the said Court to be admitted to become a

CITIZEN OF THE UNITED STATES,

pursuant to the directions and requisitions of the Act of Congress of the United States of America, entitled "An Act to establish an Uniform Rule of Naturalization, and to repeal the acts heretofore passed on that subject," and of the several acts in relation thereto.

And the said FRANK H. SCHURMANN, having thereupon produced to the Court such evidence, made

such declaration and renunciation and taken such oaths as are by said act required, and the affidavits of the said FRANK H. SCHURMANN and of his witnesses having been made and recorded in the records of this court, reciting and affirming the truth of every material fact requisite for naturalization as required by an Act of Congress of the United States of America entitled "An Act to regulate the immigration of the aliens into the United States," Approved March 3d, 1903, thereupon it was ordered by the said Superior Court of the County of Los Angeles that the said FRANK H. SCHURMANN be admitted, and he was accordingly admitted by the said Court to be a citizen of the United States of America. [12]

IN TESTIMONY WHEREOF, the seal of said court is hereunto affixed, this 17th day of December, in the year of our Lord one thousand nine hundred and four, and in the year of our Independence the one hundred and twenty-ninth.

C. G. KEYES,
Clerk.

(Sgd.) By W. C. Watson,
Deputy.

(Seal) Per Curiam. [13]

Exhibit "B" to Bill in Equity.

AFFIDAVIT OF JEANNETTE RYAN (MRS.
JOHN W. RYAN.)

Territory of Hawaii,
City and County of Honolulu,—ss.

JEANNETTE RYAN, being first duly sworn on oath, deposes and says: That she is the wife of John

W. Ryan, living formerly at 1530 Grove St., Oakland, California; that she is estranged from and living apart from her said husband; that she arrived in Honolulu, on December 25th, 1917, on the steamship "President"; that she came to Honolulu as a tourist, and upon her arrival went to the house of her friends, Mr. and Mrs. J. G. Faria, residing on Beretania St., in Honolulu; that she visited Mr. and Mrs. J. G. Faria for two days; thereafter, in looking for a place to live selected and went to Dr. F. Schurmann's Furnished Rooms, No. 175 Beretania St., located at the corner of Union and Beretania Streets; that she took rooms there on December 27th, 1917, and has been living there ever since said date up to and including the present time; that a few days after her arrival, affiant became ill for a period of about three days, did not leave the house; that during one of such days, while reclining on a porch lounge on the Union Street veranda of said building, Dr. Schurmann came up and commenced a conversation with affiant; that affiant asked him whether he had anything to read; Dr. Schurmann then brought out a book written by himself entitled, as nearly as affiant can remember the title, "The War as Seen Through German Eyes"; that affiant told him that she had never read the book, and he thereupon gave said book to affiant to read, also giving affiant some poetry written by himself, entitled, "It's a long and rocky road to Berlin"; that in the course of said conversation, Dr. Schurmann stated to affiant that he was not allowed to sell the book since the war, but that there had been no objection to the book up to the time that the United States

was not in the war, but that he had sent two hundred copies of the book to Australia, anyhow, the week before said conversation; that affiant asked him how he could do that; he thereupon stated that the books had been smuggled out on the steamer leaving about a week previous; that as nearly as affiant can recollect the boat referred to left some time in January; that Dr. Schurmann then requested affiant not to let the book out of her possession or show it to anyone else.

Affiant further says that the reason she paid careful attention to said conversation was because various people had informed affiant that Dr. Schurmann was a German spy.

Affiant further says that she thereupon became curious concerning Dr. Schurmann, and shortly thereafter informed one, F. H. Hartley, who had *been* of the officers on the steamship "President" on the trip upon which affiant came to Honolulu concerning said conversation between affiant and Dr. Schurmann; that at that time Mr. Hartley gave affiant no advice concerning the course of action to be adopted by affiant; that during the following few weeks affiant had many conversations with Dr. Schurmann, during the course of which Dr. Schurmann uniformly exhibited a pro-German attitude and made pro-German remarks, a typical example of which were statements in about the following language, "I see the Germans are licking Hell out of the French to-day," or similar remarks concerning the British; that affiant at no time spoke [14] the German language to Dr. Schurmann, but on the occasion of affiant's first visit concerning the renting of rooms by affiant, Dr Schur-

mann asked affiant whether she, affiant, was a German; that affiant informed Dr. Schurmann that she was not German, but of German descent, although, as a matter of fact, affiant is of Pennsylvania Dutch descent; that Dr. Schurmann then spoke to affiant in the German language which affiant did not answer because she is unable to understand said language.

Affiant further says that Dr. Schurmann frequently stated to affiant that the conduct of the United States in entering the war "was outrageous"; that the United States had no business in the war; that it was England and Germany's war; "that it would be impossible for the Allies to win the war"; that subsequent to the making by Dr. Schurmann to affiant of the above and very many similar remarks, affiant again informed Mr. Hartley concerning Dr. Schurmann's remarks, and stated to said Mr. Hartley that she, affiant, wished she knew whom to inform concerning the above remarks and acts of Dr. Schurmann; that a day or two subsequently, affiant was brought by Mr. Hartley to the office of William T. Carden, an attorney at law, where affiant was introduced to said William T. Carden and Mr. J. A. Balch; that, as a result of said meeting, affiant was hired by Mr. J. A. Balch, acting through Mr. Carden, to watch the activities of Dr. Schurmann, reporting to Mr. Carden all information she had concerning Dr. Schurmann and receiving compensation from said Mr. Carden; that during said period of time extending from about the first day of March, A. D. 1918, up to and including the 1st day of May, A. D. 1918, affiant was employed by the said J. A. Balch to watch and report

upon the activities of said Dr. F. Schurmann.

Affiant further says that during said period of time affiant succeeded in ingratiating herself with said Dr. Schurmann, becoming very friendly with said Dr. Schurmann and his wife, to such an extent that affiant has been a frequent visitor at the home of said Dr. Schurmann and his wife, frequently being a guest to meals at the home of said Dr. Schurmann and his said wife.

Affiant further says that from the said period of time, beginning about March 1st, 1918, up to and including May 1st, 1918, affiant had many conversations with said Dr. Schurmann and his wife; that in all of said conversations, both Dr. Schurmann and his wife exhibited a spirit of strong pro-Germanism.

Affiant further says that in the home of said Dr. Schurmann and his wife, affiant saw a very large German flag and several pictures of the German Emperor, a picture of some German aviator, whose name is to affiant unknown, whom affiant was informed by the wife of Dr. Schurmann was no relation to either herself or Dr. Schurmann, but on the bottom of which picture was a round bow of crepe; that about two weeks ago Dr. Schurmann, in a conversation with affiant concerning said German flag, informed affiant that he was informed that persons found in possession of the German flag or pictures of the German "Kaiser" would be arrested; that affiant thereupon asked him whether he was going to destroy the flag, whereupon Dr. Schurmann stated, "I should say not, I planted it."

Affiant further says that about two weeks ago, Dr.

Schurmann exhibited to affiant a loaded pistol, stating to affiant that he, Dr. Schurmann, carried that gun whenever he went home late at night; that he had gone to the Sheriff of the City and County of Honolulu, requesting permission to carry a pistol, but that permission had been denied, he, Dr. Schurmann, being further informed [15] by said sheriff that if he would be discovered with a gun, he would be far more severely punished than if he had not been refused permission; that Dr. Schurmann further stated to affiant that he was carrying the pistol just the same on the nights he was out late.

Affiant further says that Dr. Schurmann is on very friendly terms, and has numerous private conferences with one Oscar Bernard, a person who has many times stated to affiant that he is French, but is a citizen of no country, who is a very clever architect and artist, and who has further stated to affiant that "he has drawings of many points of interest in the island"; that said Oscar Bernard at all times carries a loaded cane at night; that said Oscar Bernard on one occasion, about two or three weeks ago, stated to affiant that he, Bernard "is Dr. Schurmann's right-hand bower."

Affiant further says that at an informal evening party in Dr. Hayes' living-room, located in Dr. Schurmann's rooming-house, the same building occupied by affiant, on the evening of April 23d, 1918, in the presence of Dr. Hayes, Mrs. Hayes and affiant, the wife of Dr. Schurmann drank a toast to the Kaiser; that Mrs. Schurmann was warned by Dr. Hayes that she

was likely to get into trouble, whereupon Mrs. Schurmann simply laughed.

Affiant further says that about four weeks ago, at the home of Dr. Schurmann, affiant, in a discussion with Mrs. Schurmann, stated, in substance, that it was too bad that the Doctor couldn't sell his books after he had spent so much time in writing them, whereupon Mrs. Schurmann stated, "Oh, we don't mind that, the Doctor will be pensioned after the war is over"; that affiant thereupon inquired by whom, whereupon Mrs. Schurmann said, "By the Emperor, for services rendered the Emperor."

Affiant further says that, about two weeks ago, at the home of Dr. Schurmann, Dr. Schurmann and Mrs. Schurmann, in the presence of affiant, were discussing the matter of Dr. Schurmann leaving the island to prevent his being interned; that, in the course of said conversation, Dr. Schurmann said that he couldn't leave the island unless it was for a business trip; that thereupon Mrs. Schurmann said that he could pretend to go on some business about her father's in Los Angeles; that Dr. Schurmann then said that he would go to Los Angeles and from there his friends there would be able to get him into Mexico; that Dr. Schurmann further said that "he knew Mexico, that he had worked there."

Affiant further says that this morning Mrs. Schurmann stated to her, in the presence of one Mrs. Andy Copan, in affiant's bedroom, that "we are going to Central America."

Affiant further says that Dr. Schurmann has stated to her several times that he is planning to sell out his

belongings and leave the Territory.

Affiant further says that Dr. Schurmann has, during the entire period of time that affiant has been watching him, done a great deal of writing; that she is of the belief that there is some concealed hiding place in or near the rooms used by Dr. Schurmann as his office; that affiant's belief is based, in part, upon the fact that every day between the hours from twelve until two, Dr. Schurmann is in his office with his office closed, and that while he states that he sleeps those two hours, he is always entirely dressed and awake when affiant has had occasion to call him suddenly, and upon the further fact that, despite the fact that affiant has heard Dr. Schurmann tell many persons that he sleeps two hours every day, Dr. Schurmann, on one occasion, informed affiant that he sleeps only [16] one hour, and is resting the rest of the time; that when affiant stated, in substance, that the office was always closed two hours, Dr. Schurmann then stated that he always took a bath, whereas, as a matter of fact, affiant has never seen Dr. Schurmann enter the bathroom of said building during said hours, there being no bathroom in Dr. Schurmann's office. Affiant further bases her belief upon the fact that, for two days subsequent to the seizure of certain books of Dr. Schurmann by govermental officials, Dr. Schurmann remained closeted in his office until late at night and on both of said evenings, Dr. Schurmann was closeted in his office with Oscar Bernard until late at night.

And further affiant sayeth not.

(Sgd.) JEANNETTE RYAN.

Subscribed and sworn to before me this 6th day of May, A. D. 1918.

[Seal] (Sgd.) JOSEPHINE K. STONE,
Notary Public, First Judicial Circuit, Territory of Hawaii.

UNITED STATES MARSHAL'S OFFICE.
MARSHAL'S RETURN.

The within Bill in Equity was received by me on the 27th day of August, A. D. 1918, and is returned executed upon Frank H. Schurmann, this 28th day of August, A. D. 1918, by exhibiting to him the original Bill in Equity, and by handing to and leaving with him a certified copy of the same.

J. J. SMIDDY,
United States Marshal.
By (Sgd.) C. J. Laval,
Deputy U. S. Marshal.

Dated at Honolulu this 28th day of August, A. D. 1918. [17]

Appearance of Dr. F. Schurmann.

DR. F. SCHURMANN,
OSTEOPATH.

Honolulu, T. H., Oc. 18, 1918.

The Honorable HORACE W. VAUGHAN, Judge of the United States District Court.

Sir:

Having been summoned to appear in the District Court of the United States at Honolulu on the 26th day of this month, to answer a Bill in Equity, to deprive me of my citizenship, I beg respectfully to lodge notice of my appearance in rebuttal.

The charges as preferred against me on affidavit of Jeannette Ryan (Mrs. John W. Ryan), in Exhibit "B" are hereby denied by me.

I have the honor to be your obedient servant,
(Sgd.) FRANK H. SCHURMANN.

Filed October 19, 1919, at 11 o'clock and 40 minutes
A. M. (Sgd.) A. E. Harris, Clerk. [18]

United States District Court, for the Territory of Hawaii. In Equity. United States of America vs. Frank H. Schurmann. Appearance and Answer. Filed Oct. 25, 1918. A. E. Harris, Clerk. By (Sgd.) Wm. L. Rosa, Deputy Clerk. [19]

*In the United States District Court in and for the
Territory of Hawaii.*

APRIL TERM, 1918.

BILL IN EQUITY.

UNITED STATES OF AMERICA

vs.

FRANK H. SCHURMANN.

Appearance and Answer.

To the Honorable HORACE W. VAUGHAN, and
the Honorable JOSEPH B. POINDEXTER,
Judges of the United States District Court, in
and for the District of Hawaii.

I now come and show to your Honors that the bill herein does not contain facts wherein this Honorable Court may take away my American citizenship.

I respectfully submit that the allegations (admitted only for the purposes of argument), in the affidavit of Mrs. Jeanette Ryan, that I, in March, April and May, 1918, made statements which make it appear that I did not wholly give up allegiance to the Imperial Government of Germany or William II, German Emperor, cannot make void the oath which I took in 1904, in the court at Los Angeles, because whatever I did say in March, April or May, 1918, cannot affect my oath made fourteen years ago, and that, therefore, said allegations cannot constitute a fraud.

The presumption is in my favor, that I meant every word and every syllable of my said oath, and I do now say, that I did mean every word and syllable of my said oath and have continuously meant every word and syllable of it, and do now, and will ever mean every word and syllable of it, to my death. [20]

Was there anything or any reason for me to make my oath half-heartedly or fraudulently? Was not the relationship between American and Germany, fourteen years ago, of the best? Was there any German in 1904 entertaining thoughts of making war on America? For this Honorable Court to cancel my citizenship, it must assume and conclude that when I took said oath, that I had in my heart such a thing as "war" or such a thing as war between Germany and America. I respectfully submit, that this Honorable Court cannot so hold, because there is no such allegation in the bill, and because the relationship between the American Government and the German Government was friendly, there could not have existed in my heart any more thoughts for the German

Emperor or German Government when I decided to become an American citizen, when I decided that it would be the best thing for me to become an American citizen, and therefore when I took the said oath, my heart and mind and thoughts were wholly and exclusively of America, of the American constitution and of things American.

Did I not, like any other alien, 1904, cast my lot with America, and is not the presumption in my favor that I took said oath in all sincerity and in a *bona fide* manner, and that that presumption is good until the contrary is shown and proven by words, actions or deed of mine to the contrary, which must have occurred on or about the time I took the said oath? I respectfully submit that this Court cannot so hold because of no evidence whatsoever, and because of the circumstances and conditions in favor of my contention that I took said oath sincerely and in a *bona fide* manner which existed at the time, December 17, 1904.

If Mrs. Ryan's affidavit said that I was so and so on or about December 17, 1904, the time I took the oath, then the bill would have stated a good cause, but not so; it shows that I said things fourteen years afterwards, and therefore I contend, that all these allegations of Mrs. Ryan are immaterial and cannot be held against [21] me in this particular matter. The said allegations and testimony may be used against me as an American, criminally, but not for the purposes of taking away my American citizenship.

Had I offered witnesses to falsify as to the term of my residence in America, as was done in the case of *Johannesenn vs. U. S.*, 225 U. S. 227; or had my

witnesses not appeared in open court to testify in my behalf, as was done in *U. S. vs. Nisbet*, 168 Fed. Rep. 1005; or had I not resided continuously for the required period as was the case in *U. S. vs. Simon*, 170 Fed. Rep. 680; or had I not completed the proper time of residence before taking out my first papers, as happened in *U. S. vs. Luria*, 184 Fed. Rep. 643; or had I had another person to take my oath as was done in *U. S. vs. Mausour*, 170 Fed. Rep. 671, then I say, my papers should be cancelled; but I did not.

In *U. S. vs. Spoher*, 175 Fed. Rep. 440, on page 448, the following is found: "That it must appear that fraud was practiced in the very act of obtaining the judgment."

Can your Honors then cancel my certificate of citizenship on the affidavit of Mrs. Ryan, of alleged derogatory statements of mine alleged to have been made not at the time of "obtaining the judgment," but fourteen years thereafter? To make the affidavit against me, should not Mrs. Ryan have stated that I made the said statements on or about December 17, 1904, and not in 1918?

Should not the affidavit of Mrs. Ryan be held in suspicion since she was paid to get evidence against me?

The said bill does not contain plain and explicit allegations against me as was alleged against others of like case, as given in the above cases, and for this reason, it is also demurrable.

(Sgd.) FRANK H. SCHURMANN.

Dated at Honolulu, T. H. October 24, 1918. [22]

BILL.

AND ANSWERING THE SAID BILL, I PRESENT THE FOLLOWING:

I admit the allegations of paragraphs one, two and three.

Answering paragraph four, I beg of this Honorable Court, to allow me to say that I neither admit nor deny that said Jeanette Ryan (Mrs. John Ryan) delivered to U. S. District Attorney S. C. Huber, the said affidavit marked Exhibit "B."

Answering paragraphs five and six, I now say and make oath, that at the time I became an American citizen, I did so without fraud and that I did and for all time, since then, now and forever, adjure all allegiance and fidelity to every foreign prince, potentate, state or sovereignty whatever, particularly the Imperial German Government and William II, German Emperor, and I do now say and make oath, that on the 17th day of December, 1904, in Los Angeles, California, I swore fealty to the Government of the United States of America, and that I made such oath in all sincerity, with my whole heart and before God, our Heavenly Father.

That I have ever since then been loyal to the United States. That I am now a loyal citizen of America in word, act and deed, and that I shall ever support the constitution and obey the laws of the United States of America and that I am ready now and at all times to take up arms in defense of the same.

And answering further the said affidavit, I humbly present to your Honors the following:

1. That my services have been proffered the

United States Government and that I did so previous to the date when we entered the war. That at the time I offered my services I also tendered the services of my daughter—a nurse in the Queen's Hospital, and that I did receive an answer from Washington, dated April 24, 1916, to hold myself in readiness as evidenced by said letter from Washington herewith produced and attached and that I have ever since held myself in readiness for the call.
[23]

2. That I became a subscribing member of the American Red Cross Society shortly after we entered the war and that I am still a member of the same in good standing; that I have been active in lodge matters towards the raising of goodly sums of money for the Red Cross and that I have been instrumental through the Moose and Herrmann Sons Societies in the purchase of Liberty Bonds aggregating \$1500.

3. That I am personally possessed of Liberty Bonds; that my younger children have been upheld by me in the collection of Thrift and War Savings Stamps; that my oldest boy is now and long has been an active Boy Scout with meritorious credit as a salesman of bonds and stamps, with my assistance.

4. That my three daughters have been married from my house with my consent to officers in the United States Army.

5. That I have taught my children to know no other country but America; that they have been taught by me to respect and love America, the land of their birth; that they have been tutored only in the language of their country, namely. English, the

better that they might be steadfastly bound to America; that my children have no knowledge of Germany or the tenets of Prussianism; that they have proven themselves to be heart and soul with America in this war and that I, their teacher, have surely proved that I did not "fraudulently reserve and keep in part my allegiance and fidelity to the Imperial German Government and to William II. German Emperor," when I became a citizen of the United States of America. And lastly I make oath and say that:

Since I became an American citizen, now, and till my death, that I am still and will be a true and patriotic American citizen. And that I now make public declaration that I voluntarily offer my services in any capacity and under any circumstances under the Stars and Stripes and those supporting it.

[24]

AND ANSWERING THE SAID AFFIDAVIT I PRESENT THE FOLLOWING:

1. I beg this Honorable Court to permit me to say that the aforesaid Jeanette Ryan did hire a room in the lodging-house operated by my wife at 175 Bere-tania Street, Honolulu, on or about the 27th day of December, 1917, representing herself at the time to be a rich California widow.

2. I admit that said Ryan continued to live in the aforesaid premises from the date before stated up to the 1st of May, 1918.

3. I deny that said Ryan lived at aforesaid prem-ises on the 6th day of May, 1918, or on the four pre-

ceding days as sworn to by her in her affidavit known as Exhibit "B" dated May 6, 1918.

4. I admit that said Ryan complained of sickness about three days after she came to our lodging-house and that she did consult me at my studio in aforesaid lodging-house and that she was prescribed for by me.

5. It is admitted that said Ryan was allowed access to my private library in my studio while she was consulting with me and while waiting for treatment. It is possible that said Ryan could have taken the book called "The War as Seen Through German Eyes" from my bookcase and that she could have removed it from my studio, to the Union St. veranda.

6. It is denied that said Ryan was given the book by me called "The War as Seen Through German Eyes" while she was resting on a chair on the Union Street veranda of said lodging-house as quoted in her affidavit.

7. I deny having said to the aforesaid Ryan "I see the Germans are licking hell out of the French" or similar remarks concerning the British. I can recollect that at the time that Mrs. Ryan lived with us my rooms were occupied by French and British roomers principally, such a remark from me would not have been advisable in a business sense. [25]

8. I do not admit having asked said Ryan on the occasion of her first visit concerning the renting of rooms if she could speak German. Her name being Irish and her looks Irish, and our having spoken the English language, and her having come to us from a Portuguese home (J. V. Faries), does not make this likely.

9. I deny emphatically that I ever said to the aforesaid Ryan that "the conduct of the United States in entering the war was outrageous."

10. It is denied that said Ryan ever ingratiated herself with Mrs. Schurmann or with myself and was a frequent visitor to our private home on Alewa Heights and that she was a frequent guest to meals at our home.

11. I do admit to have entertained said Ryan once in a casual way and only once at Alewa Heights. The circumstances of her call being connected with a visit that she the said Ryan had that day made upon the sick wife of Dr. Hayes, our next neighbor.

12. It is not denied by me that I have had a picture of the German Emperor among other pictures of historical people, President Wilson, George Washington, and Queen Victoria, Horatio Nelson and Abraham Lincoln, etc.

13. I do admit having had a German flag together with an American flag and the flag of Hawaii in my possession for years.

14. I do not admit having had the German flag in evidence in my home since our war with Germany.

15. I deny having had a conversation with said Ryan regarding a German flag and of my saying, "I planted it." Such a term is not comprehensible by me.

16. I admit that I did carry a loaded pistol in my handbag for protection from the rowdies of Alewa Heights against whom I had entered a complaint to the police. I discontinued, however, carrying [26] my pistol although in fear and trembling

when I was refused a license from the sheriff of this county.

17. It is admitted that one Bernard (a Frenchman) is living at our lodging-house, 175 Beretania Street, but what said Bernard did say or did not say to said Ryan I know nothing of. Whether he said to said Ryan that he carried a loaded cane and that "he had drawings of many points of interest in these islands," or not, I know nothing. I do know that said Bernard has sworn to an affidavit that said Ryan made improper propositions to him, suggesting that she and he travel together as man and wife.

18. I admit to having had the American and the Hawaiian flags suspended as portiers drapings in my home on the occasion when said Ryan called upon us.

19. I do admit that one of my roomers left a picture of a German aviator among other newspaper cuttings of aviators, British, French and German when he left our home, but I do not know what became of them after they got into the hands of my boys as playthings.

20. I know nothing of any "informal party" alleged to have been held in the room of Dr. Hayes at which my wife is said to have drunk a toast to the Kaiser. I do know that Dr. Hayes publicly denied this through the newspaper, heading his newspaper remarks that "Charges against Dr. Schurmann against Mrs. Ryan were made in revenge, because that a certain George Feria had been ejected from her room."

21. I have no knowledge whether or not my wife

ever said to the before named Ryan, "Oh, we don't mind that, the doctor will be pensioned after the war by the Emperor for services rendered to the Emperor." If my wife did say so, I cannot be held responsible for the utterances of any epileptic woman suffering acutely under the [27] strain of mental worry and the bad treatment given her children on their way to and from school.

22. I deny having said in April, 1918, in the presence of said Ryan, discussing the matter of my being interned, that I could go to Los Angeles on business connected with my wife's father and from there have my friends get me into Mexico. My wife's father has been dead many years, but my wife belongs to Los Angeles, California.

23. I have no knowledge as to whether or not my wife said to the aforesaid Ryan, "We will go to Mexico or Central America." I doubt that she ever said so, for she knows that it takes money to travel with a large family and I have no money whatever, making it impossible for me to employ counsel, but I am not responsible for what my wife may have said.

24. It is admitted "that every day between the hours from 12:00 to 2:00 I take a siesta (as osteopaths generally do).

25. I deny that there is some concealed hiding place in or near the rooms used as my studio, which is a large room divided into three compartments and baths.

26. I admit the truth to some extent of said Ryan's statement, "That while he (myself) says he

sleeps these two hours, he is always entirely dressed and awake when suddenly called." I admit that I am never found nude when suddenly called.

27. I deny the truthfulness of said Ryan in that she says that I never take a bath in my studio, "and that as a matter of fact that there is no bath in the studio." I affirm that there is a bath in my studio, and though I have never invited Ryan to a community bath, I frequently bathe in the bath at said studio.

28. I deny the statements in said affidavit that I am pro-German. To the contrary, I am a patriotic American citizen; as shown above. [28]

Dated Honolulu, October 25, 1918.

(Sgd.) FRANK H. SCHURMANN.

Subscribed and sworn to before me this 25th day of October, A. D. 1918.

[Seal] (Sgd.) F. W. MAKINNEY,
Notary Public, First Judicial Circuit, Territory of
Hawaii. [29]

Filed Jany. 7, 1919, at 11 o'clock 10 minutes A. M.
A. E. Harris, Clerk. By (Sgd.) Wm. L. Rosa, Deputy.

*In the United States District Court, in and for the
Territory of Hawaii.*

BILL IN EQUITY.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANK H. SCHURMANN,

Defendant.

Motion for Continuance of Trial.

Now comes Frank H. Schurmann, defendant above named, and moves this Honorable Court for a continuance of the trial herein, so that said trial may be resumed in said court at the hour of 10 o'clock A. M. of Monday, January 13, 1919, or until such other time as may be ordered by the Court, and at least until 10 o'clock A. M. of Wednesday, January 8, 1919.

This motion is based upon each and all of the grounds following, that is to say:

1. That up to this 7th day of January, A. D. 1919, defendant herein was unable to procure counsel to represent him in his defense herein for the reason that the members of the bar of the said United States District Court demanded sums of money far in excess of any means or property of defendant to pay the same.

2. That the Honorable S. C. Huber, United States District Attorney, representing the plaintiff herein, stated in open court that the plaintiff has no objection to the continuance herein asked for. [30]

3. That defendant herein is unable to proceed immediately with the further hearing of this cause in the absence of having a transcript of the evidence herein heretofore taken prepared for the purpose of guiding defendant and his counsel in the further defense of said cause.

4. That defendant desires to offer further evidence material to his defense herein, to wit, desires to procure the presence of Mrs. C. H. Hitchcock, a material witness to defense of defendant herein, as well as to procure the presence of sundry and divers other witnesses, all material to the defense of defendant herein.

5. That counsel for defendant requires a reasonable length of time in which to familiarize himself with previous proceedings herein heretofore had and taken.

6. That for the first time since the institution and commencement of this cause, defendant herein on the 6th day of January, A. D. 1919, was, owing to his limited means, able to procure the advice and assistance of counsel learned in the law to represent him in this cause.

7. That the present cause is one of first impression in this jurisdiction and is one of vital importance to every citizen of the United States of America resident in the Territory of Hawaii and within the jurisdiction of this Honorable Court, there being but two other adjudicated cases upon the like subject.

8. That defendant herein has consulted and been advised by C. H. McBride, his attorney, that he has

a good and meritorious defense to the bill in equity on file herein, but has been likewise further advised that in order to urge said defense before the court at least a reasonably short time will be required for counsel to acquaint himself with evidence herein heretofore adduced and [31] in which to find and submit authorities to the Court bearing upon the principles of law involved in the matter in issue between said United States and defendant herein.

9. This motion is made in good faith, with an honest purpose, and simply for the reason of giving defendant a fair opportunity to defend himself of and concerning the matters and things in said bill in equity set forth and contained, and is based upon all of the records, files and proceedings herein, and is not made or intended simply for the purpose of delay, and is likewise based upon the affidavits of defendant herein and C. H. McBride, his attorney.

Dated at Honolulu, T. H., upon the 7th day of January, A. D. 1919.

(Sgd.) FRANK H. SCHURMANN,
Defendant.

(Sgd.) C. H. McBRIDE,
Attorney for Defendant. [32]

United States of America,
Territory of Hawaii,—ss.

Frank H. Schurmann, being first duly sworn, on oath deposes and says: I am the defendant named in and who subscribed to the within and foregoing motion for a continuance: I have heard the same read and hereby swear that each and all of the matters and things set forth and contained in para-

graphs numbered one, two, three, four, five, six, eight and nine, are true; that said motion is made in good faith, with an honest purpose, and is not intended for the purpose of delay, but only to afford defendant a reasonably slight period of time in which to further proceed with the hearing of said cause.

And furthermore affiant sayeth not.

(Sgd.) FRANK H. SCHURMANN.

Subscribed and sworn to before me upon this 7th day of January, A. D. 1919.

[Seal] (Sgd.) WM. L. ROSA,
Deputy Clerk U. S. District Court, Territory of
Hawaii. [33]

**Affidavit of C. H. McBride in Support of Motion for
Continuance of Trial.**

United States of America,
Territory of Hawaii,—ss.

C. H. McBride, being first duly sworn, on oath deposes and says: That he is the attorney named in and who subscribed to the within and foregoing motion for a continuance as counsel for defendant in said cause; that he has read the same, knows the contents thereof, and that the matters and things set forth in paragraphs numbered two, three, four, five, seven, eight and nine thereof, are true; that affiant has been consulted by defendant herein who has made to him a full and complete statement of facts concerning his defense to the within and foregoing cause in equity, from which said statement of facts, so made as aforesaid, affiant verily believes, and has so advised said defendant, that he the said

defendant has a good, perfect and meritorious defense in said cause; that affiant was retained by defendant herein at a late hour in the evening of Monday, January 6th, 1919, and has had but exceedingly slight opportunity to consult and advise with said defendant of and concerning said cause; that affiant has had absolutely no opportunity whatsoever in which to acquaint himself with sundry and divers vital and important principles of law involved in a determination of said matter, which said matter is one of first impression in this jurisdiction, there being but two other adjudicated cases upon the same subject; that affiant simply desires a fair and reasonable slight continuance herein for the purpose of familiarizing himself with previous proceedings had and taken in said cause and in which to examine adjudicated cases, authorities and decisions pertinent to a correct decision in said matter with a view of assisting the trial Judge in [34] ascertaining the statuts of the law upon the subject matter of this controversy; that affiant has been informed by defendant herein that the Honorable S. C. Huber, United States Attorney in and for the District and Territory of Hawaii, now present in court, is a witness material to the defense of defendant herein, and has likewise informed affiant that a certain Mrs. C. H. Hitchcock is also a witness material to the defense of said defendant; that affiant herein has been further informed by said defendant that the deposition of one Bernhardt Knollenberg, a witness called in behalf of the plaintiff in this cause, and which said deposition is now on file with the Clerk

of said United States District Court, and which said deposition has not heretofore been opened, submitted or read to this Honorable Court, is material to the defense of defendant herein. Affiant desires to have said cause reopened for all of the purposes hereinabove particularized as well as for the purpose of opening, submitting and reading said deposition in evidence as a part of the defense in said cause; that said motion for a continuance is made in good faith, with an honest purpose, and is not intended simply or at all for the purposes of delay.

And furthermore affiant sayeth not.

(Sgd.) C. H. McBRIDE.

Subscribed and sworn to before me this 7th day of January, A. D. 1919.

[Seal] (Sgd.) WM. L. ROSA,
Deputy Clerk U. S. District Court, Territory of
Hawaii. [35]

United States Exhibit "A."

"IT'S A LONG AND ROCKY ROAD TO
BERLIN."

(Refrain: "Tipperary")

Words by

DR. F. SCHURMANN

Author of

"The War as Seen Through German Eyes," "Preparedness," etc., etc.

Honolulu, Hawaii.

Copyright, 1916, by Dr. F. Schurmann.

L. O. M.

U. S. "A."

U. S. Exhibit "A." [36]

“IT’S A LONG AND ROCKY ROAD TO
BERLIN.”

By DR. F. SCHURMANN

Reprinted by Request

1.

IT’S a LONG and rocky road to BERlin,
Where JOHNNY Bull wants to GO;
He would GIVE many million pounds STERling
To deFEAT his German FOE.
But there’s NONE who will reach our dear BERlin,
They HAVEN’T the slightest SHOW!
It’s a LONG and rocky road to BERlin,
Where JOHNNY Bull yearns to GO.

2.

THRU the GATES and boulevards of ANTwerp
He WOULD just follow his NOSE,
And to MARCH to his goal shouldn’t be MUCH
work,
For his PLANS none dare opPOSE.
But he FAILED to reach and enter BERlin;
He WAS a little too SLOW—
It’s a LONG and rocky road to BERlin,
Where JOHNNY Bull craves to GO.

3.

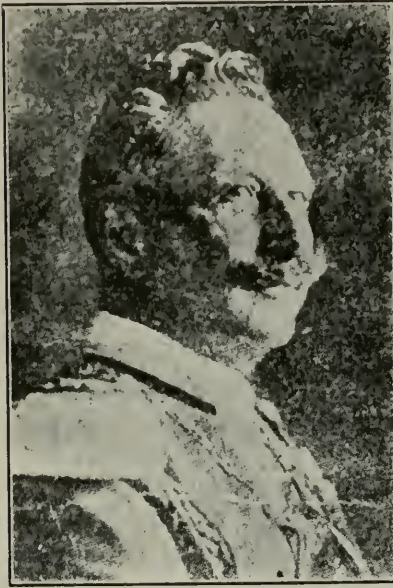
At the DARDanelles he thought he HAD him—
The TURK seemed an easy PREY—
But the STOUT old gobbler he did PECK him,
And JOHN, much hurt, ran AWAY.
By this FLIGHT he missed again dear BERlin.
Thus PASSED his dream of a SHOW,
And it’s NOW still harder to reach BERlin,
Where JOHNNY Bull longs to GO.

4.

THEN the CZAR and Czarewitch of RUSSia,
 And the KING of England, TOO,
 Might have DINED in the capital of PRUSSia,
 But HAD no seven-league SHOE.
 They will NEVER, never dine in BERlin,
 That CITY'S not theirs, you know.
 It's a LONG and rocky road to BERlin,
 Where KING and Czar want to GO.

5.

Yes, the ZEP-pe-lin is truly FEARful
 (Just LISTen how England MOANS!)
 It has MADE proud London most unCHEERful,
 and RATTLED poor George's BONES.
 But there IS a way to get to BERlin,
 Thr-u MIST, rain, hail, and SNOW—
 It's from LONDON, flying in a ZEPP-lin,
 But JOHN is too scared to GO!



Equity #10. U. S. vs. F. H. Schurmann. U. S.
Exhibit "A." Song by Schurmann. Filed Oct. 29,
1918. A. E. Harris, Clerk. Wm. L. Rosa, Deputy
Clerk.

United States Exhibit "B."

U. S. "B"

U. S. Exhibit "B"

**THE WAR AS SEEN THRU GERMAN EYES
A PERSPECTIVE**

By

Dr. F. SCHURMANN

Author of

*"It's a Long and Rocky Road to Berlin"**"Preparedness," etc.*

Filed Jany. 6, 1919. A. E. Harris, Clerk. Wm.
L. Rosa, Deputy Clerk.



Price \$1.25

THE WAR AS SEEN THRU GERMAN EYES
A PERSPECTIVE

Followed by an Addendum which points out the
Moral contained in this Review

By

Dr. F. SCHURMANN

Author of

“It’s a Long and Rocky Road to Berlin”

“Preparedness,” etc.

Illustrated.

1916

Press of the Honolulu Star-Bulletin, Ltd.

Honolulu, Hawaii.

Entered according to Act of Congress, in the
year 1916, by Dr. F. Schurmann,

In the office of the Librarian of Congress, at
Washington. All rights reserved.

I dedicate “The German Perspective” of the
great war to all who love the truth and
desire to know the truth, so that
their minds may be made
lucid by the truth.

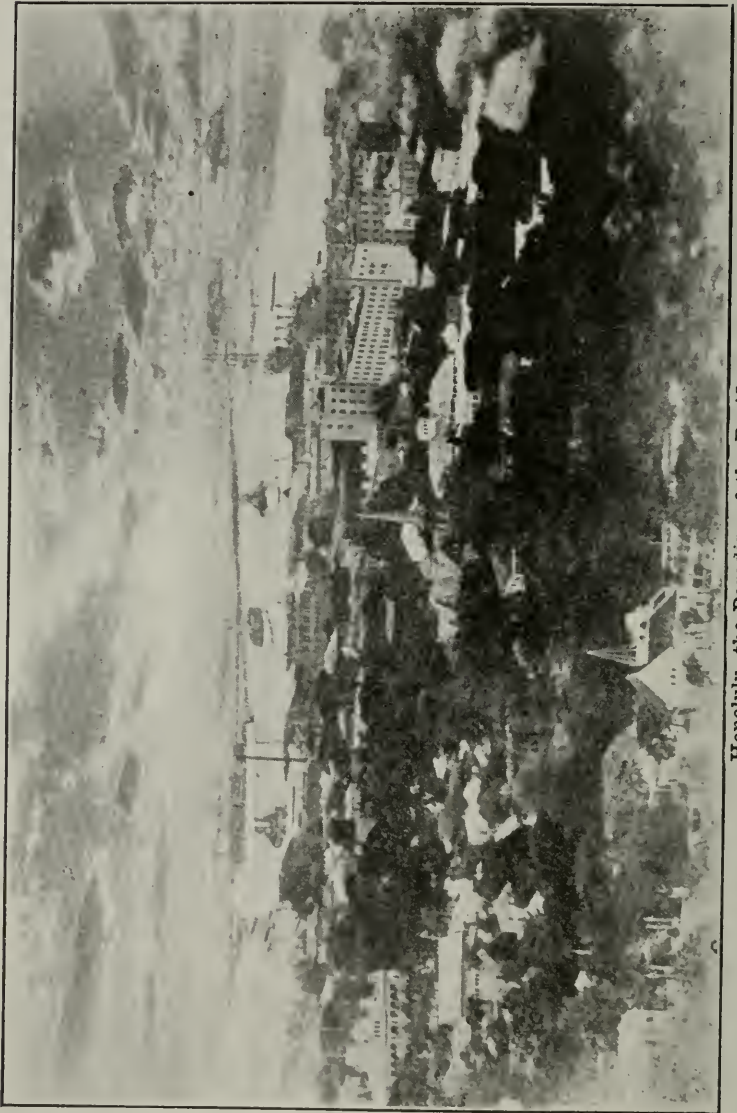
ILLUSTRATIONS.

	Page
Dr. F. Schurmann (the Author).....	20
Emperor William, the "Valiant," at the Verdun Front.....	25
Emperor Francis Joseph visiting a military hos- pital in Vienna.....	31
Crown Prince Frederick William.....	37
Cossacks in full retreat.....	43
German troops repulse British attack with hand grenades.....	49
Austrians in hand-to-hand battle with cornered Russians.....	55
The German Gunboat "Geier," interned at Hon- olulu.....	61
Germans storming French position.....	67
"Judas Italiano".....	73
Home of German Consulate in Honolulu.....	79
Field Marshal von Hindenburg and Staff.....	85
Sultan of Turkey and War Officials.....	91
German submarine, after torpedoing two British ammunition carriers.....	97
Czar Ferdinand I, of Bulgaria.....	103
"Deutschland Unter Alles" (cartoon).....	109
German Uhlans beating back attacking English and Scotch.....	121
Hungarian sharpshooters drive party of ma- rauding Russians from Carpathian village... ..	125
Krupp guns at the Dardanelles, manned by Turks, drive back combined English and French fleets, sinking a number of battleships.	129
Humanity shown by German submarine sailors (distributing bread to crew of their victim)...	133

	Page
Destruction of British Cruiser "Hampshire," which took Lord Kitchener to his watery grave.....	137

POEMS.

	Page
Austria-Hungary.....	17
Germany, 1915.....	16
Vengeance.....	18
Italy, 1915.....	74
The Hymn of the Lusitania.....	98
To the Men of the "Deutschland".....	118



Honolulu, the Paradise of the Pacific.

FOREWORD.

A number of my friends requested me to give a talk on the war as viewed through German eyes, as an answer to the lectures recently delivered by the Rev. McCord, the evangelist, at the Opera House, and by Prof. M. M. Scott at the Y. M. C. A. I submitted my manuscript to a few, whose opinion I greatly value, and all advised me not to voice my views in the sacred precincts of the Y. M. C. A., as planned by myself, but to publish them in book form. The object of my friends was two-fold. First, they wished to save me from the humiliation of a possible refusal by the directors of the Y. M. C. A., should they become aware of the gist of my topic; second, they seemed to think that the publication, in book form, of the salient points elucidated in my theme would be more far-reaching than a lecture heard only by a few.

Knowing that the plain facts herein set forth will open the eyes of many who have been deluded by the press, the author is convinced that much good will result from this book. It gives the thinking public an opportunity to form a sane judgment regarding the "RIGHT" and the "WRONG" of the warring nations and regarding the UNREASONABLE ATTITUDE of the United States of America toward the Teutons and hyphenated German-American citizens.

FOREWORD TO SECOND EDITION.

After a brief space of but two months from the compilation of this little volume, a call for a second edition comes from an appreciative public, and I most gladly respond. This new edition is revised and somewhat enlarged, but remains what I meant it to be, "a brief and sincere expression of my feelings and opinions, together with indisputable 'facts' regarding the great international struggle now going on in Europe."

Thanking the American public for its fairness of mind shown by the kind reception accorded "The War as Seen Through German Eyes," it gives me great pleasure to incorporate the following extracts from the many press notices and from the several hundred letters, which I had the pleasure to receive, since the very first day of its appearance.—F. H. S.

Honolulu, August 10, 1916.

EXTRACTS FROM REVIEWS AND LETTERS.

This war is a world matter, not an European affair, and likely to affect the United States as seriously as any nation, if not more. I have been alive to this fact from the beginning of the war—in fact, I apprehended trouble as early as the spring of 1910 and went around the world, seeking where it might break out.

If you had curbed yourself in a few places, your book would have been a strong presentation of the German side.

Executive Chamber,
LUCIUS E. PINKHAM,
Governor of Hawaii.

The speediness with which “The German Perspective” was put through the press amazed me. The book will no doubt be read by many who heretofore have not looked at the war through German eyes. Let us hope that it will help to overcome unreasoning prejudice and bring about greater charity of thought.

Permit me to congratulate you upon the success of the first edition of your work. I trust that the second edition and all later ones will meet with similar success.

FLORA N. ALBRIGHT. [7]

From the "SERVICE," Army and Navy Journal of Hawaii.

Dr. F. Schurmann has just issued a second and revised edition of his book on the war as seen through German eyes, bringing comment up to date. Whatever may be the reader's national obligations, convictions or affections, he cannot fail to admire Dr. Schurmann's presentation of his subject, and will not fail to find in the interesting, well-written pages much that will instruct, enlighten and explain. Whether we be neutral or allied to one of the warring nations, we will profit by a perusal of Dr. Schurmann's work.

New York, Aug. 4, 1916.

From the "Freeman's Journal."

Instead of telling you and our readers what we thought of your book, we are giving it to them to pass their own judgment upon. We know it will be a favorable one.

Success and good wishes for the work you are engaged in.

From the "Gaelic American."

Dr. F. Schurmann published in Honolulu, Hawaii, "The War As Seen Through German Eyes." It is a defense of the hypenated American as against the Tory-British hybrid, and an appeal to fair-minded Americans of all origins to render justice by adhering to true neutrality, instead of allowing the most

flagrant [8] violations of it by those at Washington responsible for the conduct of the administration of the country.

New York, N. Y., Aug. 12, 1916.

Dear Doctor Schurmann:

I have read your "Resume" entitled "The War As Seen Through German Eyes," and I must say that you have dealt with the subject in a way that must open some eyes that are not German. You have placed the whole matter on a basis that must call for a clear verdict from every side, as to the course the German Empire has taken from the start.

The way you have placed the shortcomings of other nations before the world cannot give offense, and should have a tendency to bring about a reformation along certain lines.

Wishing you every success, I am,

Yours truly,

DAVE WALLACE.

Salinas City, July 10, 1916.

Honolulu, T. H., Aug. 12, 1916.

We must face squarely the problem before us: the horrible war, its real cause and the prevention of similar happenings. In order to do this, every viewpoint should be studied. I have read lots of literature viewing the war through British eyes—now comes your book, seeing the war through German eyes. In a community whose sympathies are mainly with the Allies, [9] such a work is very much needed. Your essay will be thoughtfully read by everyone who wishes to hear both sides in order to judge fairly.

MARTHA B. HITCHCOCK.

I expect, with the utmost confidence, that your book will aid, in these sad times, to place German affairs in the proper light. That those lines were written in Hawaii, so far removed from the seat of war, symbolizes the true German spirit which lives in German-Americans.

CAPT. C. GRASSHOF, S.M.S. "Geier."

Your book deserves more than a passing notice and should be circulated by the millions. It justifies your claim laid down in the "Dedication" and will convey the "Truth" to all who are not totally bereft of fair-mindedness and justice. Side by side with the best works of contemporary writings, it will remain a standard essay on the topic of our gruesome but inspiring times.

PROF. P. C. N. DWYER.

An instructive and well-written volume, which should find its way into every American household. I consider the arrival of this excellent book most timely. It is forceful and convincing—in fact, the most lucid work I have read on this subject since the great war [10] began. After reading it my confidence in your great Fatherland, which at times was somewhat shaken (perusing the altogether too numerous anti-Hun propaganda), has now been fully restored. I thank you heartily, that you have permitted me to read the manuscript of your second, enlarged edition. I cannot find anything to criticize in it and deem it simply splendid.

The well-merited eulogy, applied to the men of the

“Geier” (page 68), I consider a special happy inspiration. Success to you and your good work.

“SHAUN O’NEILL.”

N. B.—I am forced to adopt a “nom de plume” realizing that otherwise the position I hold would be at stake. * * * This in the land of the free.

To be just; to show a willingness to understand the motives of the German people in their present struggle; to read without bitterness their criticisms of the Allies—these desires I have harbored ever since the beginning of the great conflict.

Now, commencing with paragraph 3 of page 23 (first edition of your comprehensive essay), I am enabled to see the condensed virtues of your Fatherland enumerated, and understand a little of the indomitable spirit that pervades the German race. Everyone should read those paragraphs. In them may be found the elements [11] that go to make the wonderful “Kultur” of the Germans.

Not until I shed a tear at Schumann-Heink’s last concert in San Francisco, did I realize that one could love the spirit of each nation in turn, while nevertheless embracing the cause of the Allied powers.

I thank you for your book.

MABEL PUTNAM CHILSON.

“The War as Seen Through German Eyes” has been the means of dispersing a mist which has been gathering before my eyes ever since the great war commenced two years ago. A Frenchman by birth,

though having lived many years in Canada and in the United States, I could nevertheless give no credence to the many reports of German atrocities alleged to have been committed by them. I lived in Berlin, Germany, for about a year, have frequently associated with Germans, have been their guest, ate their meals, drank their beer, played with their kiddies, flirted with their charming girls; know their sterling qualities, their orderly peaceful homelife, and can fully understand the perfect discipline in their army.

Reading, day in, day out, the nonsensical and rascally newspaper accounts of German doings and of German reverses, my mind became gradually clouded by these constantly repeated suggestions, until I finally began to think that after all, there must be fire where there is so much smoke. But your timely book has dispelled [12] the haze and I can laugh at the almost childish (were they not vile) attempts of the pro-British American press to fool the people of the United States. I am studying now daily the maps of the various war fronts, where the so-called "Great Drives" are being made—and am wondering, how on earth, I was so beguiled by the stupid but flaring headlines.

My greatest sorrow is, of course, that my Motherland "La Belle France" has allowed herself to become a catspaw for unscrupulous and greedy England.

I thank you for your "Eye Opener" and believe firmly that all readers of your most excellent work will be blessed with the same realization of the

“Truth,” if they are not totally hypnotized, and thereby devoid of their power of reasoning.

OSCAR BERNARD.

Interesting and instructive from cover to cover, it is one of the books which you cannot put down until you have read every page of it.

As a Russian, I will tell you something about the land of my fathers. I and my brothers in exile know that never before has misery and bloodshed been so widespread in Russia as it is now. Never before has the malignant autocracy ruled with such a bloody hand as it does now. Never before has liberty been so completely and hopelessly crushed. Never before has the bloody Czar and his minions been so ruthless. And never before have the “black hundreds” [13] ravished, maimed and maltreated innocent men, women and children as they do now, without any fear of being called to account.

Before, there was a little hesitation in perpetrating acts that were too inhuman and revolting. There was a little fear of the public opinion of Europe. Now this fear is eliminated, because two of the most humane and most enlightened countries are Russia’s Allies, and they do not dare to say a word in criticism of the “Bloody Moloch of the North.”

Let the feeble-minded and the prostitutes of the press go into ecstasies over the “regeneration” wrought in Russia over the war, I for one, and with me hundreds of thousands of educated and liberty-loving Russians, would prefer “German Civilization” to “Russian Barbarism.” We know that by sup-

porting Germany we strike for liberty and enlightenment, but supporting Russia we condone with tyranny and oppression.

I remain with you forever, for freedom on land and sea.

MICHAEL DIMITREVITCH BOROKOFFSKY.
Los Angeles, Cal., July 15, 1916.

It shows very clearly three distinct aims: first, to promote a better feeling between Americans and Germans; second, to expose perfidious England; third, to eliminate President Wilson, because he refuses to place an embargo on the exportation of arms and ammunition.

As a pro-German, anti-English and anti-Wilson [14] propaganda, it is without its rival. Should you later after the peace treaties have been signed, add to your present volume a second part in the form of a correct and concise war chronicle, you will have created a "classic," which will not only be read by contemporary students of history, but also by those of future generations.

I hope that your valuable book will find its way into every library of our land.

Chicago, Ill., Aug. 2, 1916.

TOM CLACEY.

Explanation.—The Author has purposely selected from the hundreds of letters, received by him, a number of extracts which come from those whose sentiments are decidedly for the cause of the Allies. [15]

GERMANY, 1915

By Prof. W. P. Trent, Columbia Univ.

Fronting the world, she stands erect
In valor, strength, and self-respect.
The threats and insults of her foes
She answers grim, with scorn and blows.
In peace, a wisely ordered State;
In war, she shows herself as great;

Witness the drenching blood that stains
Polonian, Gallie, Belgian plains,
While Britain's coasts are specters stare
That leap from sea, or drop from air.

The world ere now such marvel saw
Never, and halts 'twixt rage and awe.
Vain rage! This stark, consummate might
Is grit with adamantine right—
The right to live beneath the sun.
The right to hold what has been won
By toil and science, thrift and art,
In camp and farm, in school and mart—
A right which still without avail
Revenge and cant and greed assail.
Before such prowess rage must sink,
And generous minds be bold to think.
Hypocrisy hath here no place;
Barbarian?—that imperial race?
By Heaven, yon Germany, today
Holding so splendidly at bay
Those variegated tribes of men,
Is not a thing to hunt and pen!

Enough of blind, hysteric fear,
Enough of menace, vaunt, and sneer,
Enough of ghastly tales untrue!
Give the heroic State her due!
Strength to her arm and to her brow
All glory that the gods allow! [16]

AUSTRIA-HUNGARY

By Prof. W. P. Trent, Columbia University.

O land of many tongues, with past
 Chequered, and present overcast;
 Land of the Danube rolling strong
 Its wooded banks and cliffs along;
 Land of broad plains and mountains high,
 Of wheat and vines and friendly sky,
 Where peasants, gay with song and dance,
 Suggest a more exotic France;
 Land of great capitals renowned,
 Vienna, Buda, Prague, the crowned
 City upon the Moldau's stream—
 Ah, how I see, as in a dream,
 Your beauties and your subtle charms
 Threatened with dangers and alarms,
 With plague and famine and the dread
 Barbarian invader's tread!

Hast thou not since the long ago
 Suffered enough of toil and woe?
 Hast thou not guarded Europe well
 From the onsets of the Infidel;
 Clifflike amid the mad waves' toss,
 O Eastern Bulwark of the Cross?
 Hast thou not oft, tho scarce through lust
 Of conquest, staggered in the dust
 Of sore defeat, and in the gloom
 That wraps the Hapsburgs' line of doom?
 Couldst thou not turn another page
 Of history in this onward age,
 And, peaceful, give thy people's laws
 And progress, with the world's applause?
 Ah, no! before thy portals sate
 Incarnate Murder, Greed, and Hate,
 And, ere thou shouldst avert the blow,
 The crown of all thy hopes lay low!

Then in just anger, deep, not rash,
 Thou struck'st, and lo! the armed clash
 Of jealous nations answered. Now
 Thou battlest with undaunted brow
 And hand of steel, while at thy side
 Thy great Ally, in all the pride
 Of patriotic strength, doth stand,
 Faithful, impregnable, and grand! [17]

VENGEANCE!

By Teresa Brayton.

In Dublin town they murdered them,
Like dogs they shot them down,
God's curses on ye, England, now,
God strike you, London town;
And cursed be every Irishman,
Alive, and yet to live,
Who'll dare forget the deaths they died,
Who'll ever dare forgive.

In Dublin town they murdered them,
Who fought for you and me,
These men who dared to back with deeds
Their dreams of Liberty.
Whose strong hands, clutching England's throat
Till all her veins ran chill,
Flung round the world a conquering note
That time can never kill.

In Dublin town they murdered them,
These men of Irish birth,
Kindly and tender, brave and warm
As their own Irish earth;
Salt of the salt of Ireland's life,
Bone of her bone were they,
Like carrion flung in quicklime graves
In Dublin town today.

Now "eye for eye and tooth for tooth,"
Be this our battle cry
Though ways run red with hot blood shed
By men who dare to die.
Vengeance that knows no rest or ruth,
Vengeance no power can stay,
This is their price of sacrifice
And we are here to pay.
From North to South, from East to West—
Whenever England hurled
Our seed of old, we swear today
To crush her round the world.
To stand as one, to plan as one
As one to fight or fall
Till they who died in Dublin town
Are conquerors over all.

They murdered them in Dublin town,
These men who dared be free
And flung at Freedom's holy feet
Their lives for you and me;
Then up with this for battle cry—
Thunder it up and down—
"Revenge"! "Revenge!" "Revenge!" for them
Who died in Dublin town. [18]



Dr. F. Schurmann

PART I

THE WAR AS SEEN THROUGH GERMAN EYES.

A perspective, with emphasis placed on the following salient points:

1. Causes of the war.
2. Germany and Prussianism.
3. England and English civilization.
4. Germany's aims in Asia Minor.
5. Violation of Belgium's neutrality.
6. Prowess of German arms.
7. President Wilson's malignant neutrality, and hypocrisy of the United States Government.
8. The descendants of the Tories.
9. The Press, including the two Honolulu dailies.
10. Submarine and aerial warfare.
 - (a) The guilty in the Lusitania disaster.
 - (b) Armed merchantmen and their guardian angels.
11. Munitions and blood-money.
12. The American clergy.
13. Prophecy.

BEING A RESUME

by Dr. F. Schurmann.

We have all read time and time again about the causes of the war, the progress of the same, and about the aims of the belligerents; all these, however, from the standpoint of England and her Allies. [21]

Many lectures have been delivered on these lines, and perhaps the majority of the people of the United States have attended some of them.

As an American citizen I appeal to your love for fair-play and to your common sense, and I hereby ask your forgiveness should I, during my presentation, offend anyone unwittingly. I mean no offense, and will try my best to avoid giving it.

To start with, I have a confession to make: I am a hyphenated citizen, proud of the land where I first saw the light of life, but equally proud of the land of my adoption, that has given me all the good things which I have enjoyed for over twenty years.

So many harsh terms have been used of late in the United States press, when discussing German-Americans, especially in connection with the land of their birth, that I will ask you this: Is Hyphenated Citizens not one class of hyphenated citizens as good as another? If not, why not? If an English-American or Scotch-American or Irish-American evinces his love for the land of his forbears, and places it on par with the country of his adoption, why should a German-American be looked upon with suspicion if his eyes gleam and his heart beats with pride and emotion when he hears and reads of the almost superhuman efforts of Germany's heroic sons and daughters?

The man who does not bring to his new country love for his old country, the home of his fathers, brings little that is worth having.

The best that can be done is to talk somewhat in [22] this fashion: "You admire Lafayette, the

Frenchman, who came and fought for this country. Suppose that he had stayed here, and that he, or his son, or his grandson, had seen France at war against four of the greatest European Powers. Do you think HE would have failed to sympathize with France, the land of his ancestry?

Would you not have despised him if he HAD been lacking in such sympathy?

Let any American ask himself the question: "If I were living abroad, in another land, and heard that America were attacked simultaneously by several great Powers, would not my heart go out to America? And what would be my feeling toward those about me in my new country who might say, 'You have no right to be interested in America, since you are here; we happen to sympathize with her enemies, so you must do the same'?"

Many scathing articles have been published in our newspapers, denouncing German-American citizens and accusing them of plotting against the United States Government. In an address delivered by Theodore Roosevelt at Oyster Bay, May 28, Roosevelt of this year, he dramatically proclaimed that the hyphen is the "bar-sinister drawn across our national coat-of-arms." He, and the rest of the many erratic, and flamboyant sensationalists forget entirely that they also are, like all of us Americans, descendants from foreigners or hyphens. They are not honest enough to say that all, that the hyphenated citizens, who sympathize with Germany, have done is to demand from President [23] Wilson and his secretaries and the officials under them, that they should

strictly and impartially observe the terms of the neutrality proclamation issued by President Wilson himself.

Roosevelt has indeed fully succeeded in cutting short his own public career by his eccentric conduct and foolish pranks. His fiery speeches, no matter how exoteric, were never taken seriously by the people of the United States. In fact, many think of him as a person with an unbalanced mind, and cannot therefore consider him a possible candidate for the Presidential chair. He will be quickly eliminated, if he seeks nomination. By the way, are you aware that President Wilson was the first to use the term "hyphenated" in a public utterance, in order to designate those who differed from him in their sympathies toward the belligerents?

While it is true that a few German-Americans have been carried away by their enthusiasm, and did overstep, in some cases, the strict lines of neutrality, which our President requested us to adopt, it is also true that just as many Anglo-Americans not only did the selfsame thing, but went much further and clamored for and passed resolutions, urging that this, our United States, should enter the war as an ally of England. I want to point out to you that the real and only dangerous hyphenated citizens are the

Press
Editors

British-American editors and writers of our American press. They are at it, day and night, to inveigle our people into war with Germany. They even attack with tooth and nail individuals and parties who, with their hearts overflowing with pity for suffering humanity, convene and labor on behalf of peace. Those human vipers, nurtured on the [24]



Emperor William, "the Valiant," at the Verdun Front.

[25]

warm and trusting bosom of philanthropic "Columbia," are endeavoring in every town and hamlet of the United States—even in our "Paradise of the Pacific"—to sow the seeds of fraternal strife and discord.

Cause of
the War

Many writers of note claim that Russia's necessity for obtaining a warm water outlet and her intrigues with the Balkan States are the causes of this war. In my humble opinion, **Russia** which also voices the sentiment of at least ninety per cent of all Teutons, this is not the true cause of the war, although Russia sorely needs an ice-free port. Others say that if it had not been for France's desire **France** for revenge, this war would not have happened—which is nonsense.

As I do not again in this book mention France and her brave people, I will state, here and now, that the Germans have nothing but the greatest respect and deepest compassion for the heroic sons and fair daughters of that deluded nation.

Militarism

Then we hear that Prussian militarism alone, and nothing else, is responsible. Just as if Russian militarism and French militarism or British navalism could not be equally instrumental in bringing about similar conditions! We read and hear about the Kaiser, that "wolf in sheep's clothing," who, after forty-four years of peaceful work, finally decided to run amuck and show his fangs. This looks to me as if plagiarists have made use of one of **Germany** Grimm's well-known fairy tales, to wit: "Little Red Riding Hood." Perhaps we may reason that Germany forced the hands of her jealous neigh-

bors because she needed for her [27] congested shipping more seaports; or perhaps Germany felt tired of life and concluded to commit suicide. What rot!*

What is it, then, that caused this terrible catastrophe? I will tell you, conveying to you at the same time the belief of all the Germans and Austrians, of many Americans, the greater portion of the Irish people, the vast majority of the Chinese, and even of quite a respectable number of Britishers:

It was Britain's anxious policy to retain at any cost supremacy at sea and to destroy a great commercial rival. Nothing can explain the causes of the war better than a

England to retain her supremacy at sea and to destroy commercial rival

letter from an Englishman to a Chilean, a copy of which appeared in the German semi-official "Cologne Gazette" of July 11 of this year, and is reproduced in part below. The disgusted recipient of this awful letter turned it promptly over to the "Gazeta Militar" of Santiago de Chile for publication, and its horrible revelations made a deep and lasting impression on its many readers.

"Germany had become a deadly poison for British trade. 'Made in Germany' was an intolerable nightmare. Wherever an Englishman wanted to conclude a deal, a German competitor came out victorious, and every manufactured article produced in England would run up against an equally good, or better article manufactured in Germany.

Letter to Chile

*War cannot be declared by the Kaiser, but is determined by legislative authority, which is vested in the Bundesrat and the Reichstag. The Bundesrat represents the individual states of the German Union (Empire) and is appointed for the session by the government of these states. The Reichstag represents the German citizens and is elected for a term of five years by universal suffrage. [28]

But not England alone suffered from the consequences of German industrial aggression; it had become a universal plague. France, Belgium and Russia also saw how their markets were being cut into; they were being flooded by German wares under such alarming circumstances that they were almost driven to desperation. And it is a fact that it was in these countries, in Belgium particularly, rather than in England, that arose the idea of an alliance to curtail Germany's trade. Before the attack on Liege the Germans did not know how well Belgium was prepared, and today many still foolishly believe in her innocence.

“From the above you can gauge what the future has in store for the Germans. I can assure you that no part of the program of this war was for England something unforeseen, and that, however the fortunes of war may turn out, the result of the war will bring to England profit, and business will bloom here as never before. All the Belgium factories have already disappeared; the industrial districts of France and Russia are laid waste by armies; Germany and Austria-Hungary will remain ruined; consequently, only the English factories will remain to supply the world. There are no grounds for getting excited over the ruin and the desolation that the war calls forth on the continent, for the greater they are, the [29] greater and the more positive will be the advantages for England.”

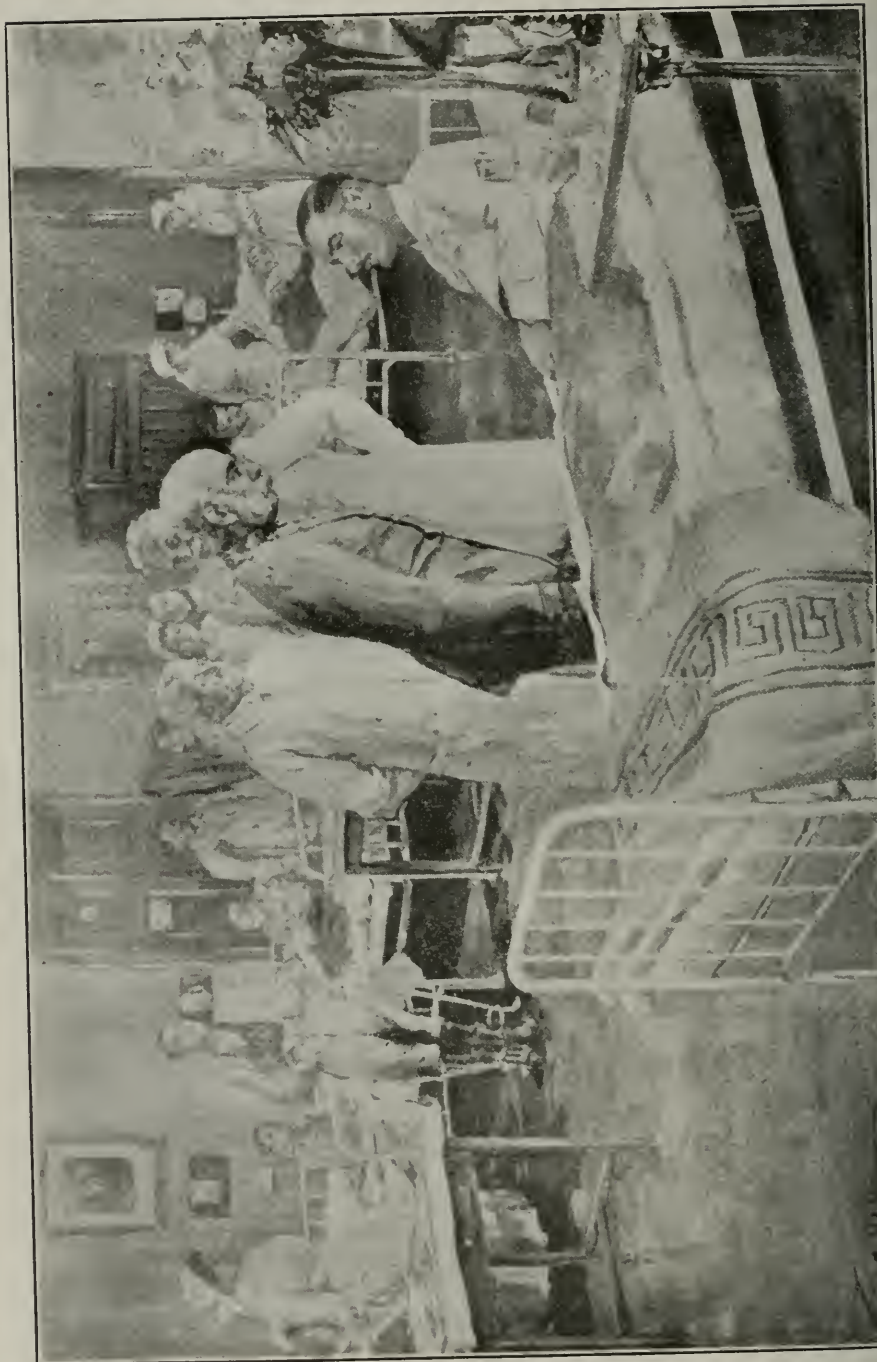
Here at last is a voice which acknowledges the motives of the men who made the war, after all the official hypocrisy. Let us hope that the letter, by rea-

son of its "brutal frankness," will become an important document of contemporary history.

Through her navalism Britain has assailed nation after nation that threatened her trade supremacy; and Germany, the latest menace, is now being similarly handled. Only refer to the histories of Spain, of the Netherlands, of Denmark, of France, and other countries she despoiled with the aid of misguided and hypnotized nations, who, of course, in every instance, pulled the hot chestnuts for her out of the fire. Again the rapacious British Lion feared that a great rival might outdo him in legitimate trade, and again cleverly rallied around him, by means of suggestion and alluring promises, a great array of subservient asses to help him in dismembering, or at least enchaining, the glorious German Eagle.

But even Britain's Allies are now beginning to see the light, and the awful truth dawns upon them slowly that they have been lured into this terrible game of destruction by the fear and greed of England.

I have had the honor to entertain at my home Professor P., the leader of a Russian or-^{Russian}
^{Musicians}chestra which is filling a lengthy contract at one of our leading hotels. Professor P. introduced me to the other four members of the aggregation. [30] All five artists are graduates of the St. Petersburg Conservatory of Music, and were, prior to the outbreak of the war, directors of bands and orchestras. Two of them, some years ago, took advanced courses in Germany. They give unstinted praise to that wonderful country of music, art, and science. Three of



the musicians were promptly conscripted when Russia mobilized, and two have seen actual warfare. Both were for months on the firing line, and, though severely wounded, bear no grudge and have nothing but words of praise for their German foemen. One of these artist soldiers was severely wounded in the head by a piece of shrapnel shortly after the capture of Lemberg by the Russians, and was hovering for months between life and death. Professor P. served under the Czar's banner near Warsaw, and fell a victim of gas asphyxiation, which threatened to end his earthly career. Both are totally incapacitated for further military duties, and therefore obtained their discharges from the army, together with their passports. The five gentlemen would consider it a deplorable setback to civilization should Germany be crushed.

The Japanese, world-famed for their Japan clever juggling tricks, have understood English politics all along. By their innate shrewdness, they have been able to turn the tables on Britain and the other Allies. The result is a great profit for themselves and sorry discomfiture for the others.

The real spirit of Japan toward foreign countries is indicated by an article in a native paper, "Chugai Shimpo," a translation of which [33] appeared in the "Manila Times" of August 31, 1915. This outspoken Japanese paper said:

"It would be lunacy to think that we should want to appear with troops in France. English friendship is to be of short duration. Having attained her purposes, she will quickly discard all who may have gone

to her aid. We have the same rights as England. We regret that we were forced to the sad necessity of siding with her on account of the Anglo-Japanese Treaty. It is beyond all doubt that a treaty with Germany would have been more advantageous and of a much wider scope in the future for Japan. Within a short time grave complications are going to present themselves. We will have to demonstrate that we are a power of the first order, one which is of the same height as England and America, and that in so far as power is concerned we need have no fear of these two peoples. We are, and will be for all time, the masters of the seas of Asia. Our strength will permit the realization of the desires so long cherished, of establishing ourselves on the western coasts of America. We are going to gather great quantities of artillery and ammunition. Today America is supplying the Allies with arms and ammunition against Germany; perhaps the day may come when Germany will supply us against the United States and Australia.

“That which we were forced to undertake against Germany will be forgotten, and it may be possible to so remedy it that Germany will be satisfied; but the moment to discuss this point has not yet come. Everything depends on [34] the triumph of the German armies. It is beyond doubt that Germany and Austria will be victorious, even though other enemies should attack them. We will appear on the day of judgment and prove to the world our full right to call ourselves a civilized nation, from whom the enemies of Germany may take lessons with respect to gentle-

manliness and justice. We have no reason whatsoever to hate Germany; we appreciate her for her greatness and we have no interest in the defeat of that people of heroes, the wonder of the universe."

In the *London Nation* of February 20, 1916, George Bernard Shaw writes as follows: "Why did we attack Germany? Because we were afraid of her growing naval strength and believed that she would be irresistible if she conquered Russia and France, and thus left us without effective allies. Frightened animals are dangerous, and man is no exception."

George
Bernard
Shaw

Germany's legitimate expansion was not to be tolerated, and, for years, wherever Germany turned for an outlet, she was met by the British (and to some extent by the American) challenge, "Not there!" The present war is a conspiracy fomented by Great Britain to destroy German commerce and German industry. The British claim to own the seas, and desire at any cost to dominate the commercial intercourse of the world.

An event that may prove to be of more far-reaching influence in the world's history than any battle yet fought is the decision of the Allied Powers to combine against German and [35] Austrian commerce. Eight nations were represented at the Paris Economic Conference—Britain, Russia, France, Italy, Japan, Belgium, Serbia and Portugal, and they reached an agreement on June 17th, 1916, as to the policies they would recommend to their respective governments. These measures are of three kinds: first, those to apply during the

Boycott
Against
Teutonic
Powers

war; second, those during the reconstruction period; and third, those to be permanent.

In the first case a complete boycott of the enemy countries during the war was decided upon. The transitory measures for the period of reconstruction after the war are aimed especially to prevent Germany from regaining her commercial ascendancy in any of the territory controlled by the Allies. As a permanent policy it was recommended that the Allies take vigorous measures to make themselves completely independent of enemy countries as regards raw material and necessary manufactured articles. The Allies are to improve their mutual means of transportation by land and sea, and of communication by mail and telegraph. A uniform system of patents and trademarks was also recommended.

Is it not a fact that the United States is
United States
Overawed by
English Navy this very day overawed by Britain's navy,
 and therefore at the mercy of England?
 Our nation wants to purchase interned ships, but Britain says, "You cannot do it." Our nation wants to carry on, peacefully, its commerce. Britain's warships, patrolling outside our harbors, deny us the right. The cotton planters of the South are practically destitute, although [36] Germany would, if permitted, enrich them by paying more than twenty cents a pound for cotton. The cotton mills of America are not working to capacity, and England will not permit wool from abroad to be sent to this country, thereby keeping our woolen mills idle, and our men and women out of employment. Our nation desires to carry passengers upon its ships to



Crown Prince Frederick William. [37]

neutral ports, but Britain dictates who the passengers shall be. Our nation desires to send its ships upon the seas without hindrance or search, and Britain fires shots across their bows, hauls 'down their flags, and takes the vessels into her ports, rummages their cargoes, extracts therefrom whatever she likes, and leaves the remainder to proceed to its destination. Despite the fact that every right of ours upon the seas has been trampled under foot by Britain, the United States, or, rather, certain interests in the United States, are now slavishly furnishing Britain and her Allies with the sinews of war, until the United States has become the base of supplies of the Allies in their war against Germany and her Allies.

This war is being supported by sham arguments and hypocritical sentiment. Its pretended ^{Belgium} cause, "the neutrality of Belgium," is non-existent. Its real cause is Britain's wish to destroy the German navy. Remember, also, that Belgium was armed to the teeth, and Germany's safety as a nation was seriously menaced by Belgium's bogus neutrality.

In June, 1908, King Edward and the Czar met on shipboard near Reval, in the Gulf of [39] Finland, and this visit was followed almost immediately by a rendezvous of the Czar and President Fallieres at the same place. Edward VII and his advisers were the first engineers of the brutal plan to dismember Germany. When Britain thus allied herself with Germany's neighbors, war became inevitable—the peace of Europe was broken by that

Edward VII,
Fallieres
and the
Czar

act. Britain is a thoroughly commercial nation, with the ethics of an unscrupulous trader. Inmately hypocritical, she cleverly concealed her real motives, and announced to the world that her only aim was to destroy Prussianism; and this has become the slogan of an unthinking multitude. The campaign of lying and hypocritical stage-play, that Britain has waged in this war, to convert the feeble-minded to her cause, will stand as a permanent disgrace to her and is a mark of British decadence.

It is not amiss right here for me to explain to you what Prussianism really is. Prussianism is efficiency and justice. It is honest, sincere, earnest, loyal, stern, organic. It is the highest and noblest condition that exists in the world today. True, Prussianism is oligarchic and aristocratic; but why should not the wise and able rule, rather than the foolish and inefficient? Is not the Money Power an oligarchy also? Does it not rule our democracies in spite of our suffrage? Prussianism is a Christian aristocracy—a Spartanism. Prussia inherited the Spartan spirit from the Order of the Teutonic Knights, and the Prussian princes became grand masters of the order. Thus Junkertum is the backbone of Deutschtum. [40] Prussianism has been a great blessing to the German nation by making it wonderfully efficient and united. The Germans are fighting valiantly to conserve their government and their brand of civilization. It would be well for us, if we would examine Anglo-Saxonism and Americanism. Perhaps we might see their close relation to Mammonism! What has become of the

American spirit of fair-play? Has the Almighty Dollar broken the sword of Justice and bound the feet of Liberty with chains of gold?

Militarism We hear so much of German militarism that we need to remind ourselves that militarism is by no means peculiarly German. Neither in the size of its army nor in the presence of a war-like spirit does the German nation enjoy any pre-eminence over other European nations. Indeed, it would be more just to maintain that the opposite is the case.

The German army does not compare in size with that of Russia, and, for forty-four years after the foundation of the Empire, this army has shown itself to be a very peaceful force.

France has an army approximately equal to that of Germany, although her population is less than two-thirds as great. Her geographical position is a more fortunate one, for she can be effectively attacked by land on one side only.

About British militarism we can only say that no nation is as militaristic as Britain is "navalistic." There is no nation on earth that deliberately holds before itself the ideal of a [41] navy or an army larger than the navies or armies of any two other Powers.

German Army The principal reason for calling militarism German is the admirable organization and great efficiency of the German army. The size of the force has little to do with it. As mentioned before, the Russian army is vastly larger, but it is, like most things in Russia, sadly inefficient, so we

hear little of Russian militarism, and nobody expresses a wish to have it wiped out.

But if German efficiency in military matters makes militarism German, it ought to make all sorts of other things German too, for the same efficiency shows itself everywhere in Germany.

The soldiers we see in Germany are not soldiers by profession, they are citizen guards, who, after two years' daily drill, go back to their homes and take up the peaceful occupations which are to fill their lives. The tens of thousands of soldiers, whom the American tourist sees as he travels about, would be found, could he trace them a year later, or the year after that tilling the fields, mining coal and iron, standing behind counters, collecting fares on street cars, acting as engineers, brakemen or porters on railways, and working as mechanics, bookkeepers, draftsmen, laborers, architects, preachers, surveyors, journalists, school teachers and in all other lines of business. The man whom he sees in soldiers' uniform today will sit beside him tomorrow on the benches of the medical school, with no other thoughts than of his future career as a physician. When he goes to a restaurant for his luncheon, he will be waited on by a man who marched in the [42] ranks a few years back, but who is, and intends to remain, a waiter.

The Germans regard their army as a necessity. The army is very popular, and it is a most democratic institution, because, at the age of 20, every German boy, who is in good health, rich or poor, highly educated or of lesser education, has to join the army, where all stand shoulder to shoulder for a



Cossacks in Full Retreat.

two years' drill. All these boys will tell you how much good these two years of army life have done them physically and mentally, and that those two years were for them the happiest and most carefree.

The view these boys take of their military duty is this: "Their government assists them in their education and in their business aims, provides for them in cases of accident, furnishes labor on government work to the needy in slack times, and substantially looks after the incapacitated and the aged; in consideration of which they, the boys, gladly take their military training and hold themselves in readiness for the following 25 years to defend against attacks and aggression their country, their institutions and their homes. ONE FOR ALL AND ALL FOR ONE.

The German is a good soldier, just as he is a good mechanic, or a good clerk or a good professor. He is not a blood-thirsty savage. He can be seen filling his leisure hours with the most harmless of pleasures—listening to music, taking walks in the country, feeding the birds in the public gardens. These are surely not the pastimes of professional warriors.

[45]

With regard to England and her influence on Belgium (a country with a standing army larger than that of the United States), three documents were found by the Germans in the archives of the Belgian Minister of War, which plainly show that the British Government had come to an understanding with Belgium and France, and had agreed to land troops in Antwerp and other ports in order to attack Germany from the

Documents
show that
Belgium was
not neutral

rear in case of a Franco-German war. One of the documents tells us that as far back as 1906 complete plans, giving full details, were drawn, by which Belgian railroad cars were to be sent to French ports in order to transport British troops into Belgium, thence into Germany. In 1912, when the Balkan crisis became acute, Colonel Bridge, British Military Attache, communicated to General Jungbluth, chief of the Belgian staff, that England was ready to strike, and that 160,000 men were ready to be landed in Belgium as soon as any European conflict should break out. Lord Haldane not long ago acknowledged that the British Government was instrumental in sending General French and his staff, for five consecutive years prior to the outbreak of the war, to Belgium to study on the ground the already planned campaign. On July 25, 1914, M. Saganof, Foreign Minister, said to the British Ambassador at St. Petersburg that he did not believe Germany wanted war, but that her attitude would be decided by the action of the Entente. On August 1, 1914, as reported in the English *White Book* No. 123, Sir Edward Grey was asked by the representative of the [46] German Government whether, if Germany gave a promise not to violate Belgian neutrality, England would do so too? Upon which Grey replied that he could not say that she would. While Belgium pretended friendship and neutrality toward Germany, she was secretly planning her defeat in war. Thus the poor Belgian people must suffer by reason of British intrigue and because of the vain ambitions of King Leopold, of Congo fame, to add to his rather

small country at least the Duchy of Luxemburg. So much for the alleged breaking of Belgian neutrality, by which Germany luckily forestalled her enemies, who had already, for many years, planned the very same thing.

The British Government, with a cynicism that is unparalleled in history, has taken advantage of Germany's so-called violation of neutrality for the purpose of raising sentiment against her all over the world, and of posing as the protector of the small and feeble powers. How England has protected small and feeble powers is a matter of her bloody history.

England
posing as
protector
of small
nations

Well, there is Ireland—superior civilization gradually worn down by seven centuries of pillage, murder, arson, bribery, poisoning; culture rooted out by imposition of alien language, laws, education, dress, customs, etc., under penalty of death; population reduced to half by famine, while English soldiers took plentiful crops out of the land; manufacturers ruined by laws which robbed them of all reasonable profits; constitution ravished by bribery and force; politicians corrupted; tyranny continuing today [47] as much as ever—perhaps a bit more under cover.

Ireland

For over a century an Irish Catholic could not sit in the House of Commons; he could not hold any office; he could be a common soldier in the ranks, but he could not hold the humblest office or commission; he could not bring a suit in court; he could not sit on a jury; he could not vote; he could not administer the estate of a friend; he could not practise either

as a physician or as a lawyer; he could not travel five miles from his domicile without a government permit; he could not quit his own dwelling between sunset and sunrise. If a father sent his son to a Catholic school he was fined \$100 a week; the schoolmaster was fined \$25, and for the third offense was hung.

Lord Chief Justice Coleridge said that the penal laws which were enforced in Ireland were unparalleled in the history of the world.

On Saturday, August 9, 1902, in the City Hall, Dublin, Mr. John Redmond said: "In Ireland there is neither liberty, prosperity nor loyalty. There is oppression and poverty and justifiable disloyalty. We submit to the English usurpation of the Government of Ireland, but we do so because we have no adequate means of successful resistance. We are still an unconquered race, and all the might and gold of England cannot impose her yoke on the hearts and spirits of the Irish people."

A British army of 100,000 men is in hostile occupation of Ireland, while only about 80,000 Irishmen (mostly Orangemen) have enlisted in the British army. [48]

If Ireland today has not the population she had in 1841—eight millions—is England not the cause of it? Ireland has given her best sons to bear the brunt of every English war. The Irish were sold and sent as slaves to Barbadoes; exiled to France and other countries by the thousands, on account of the penal laws.



German Troops Repulse British Attack With Hand Grenades. [49]

Well may George V repeat today the imprecation of George II, when the English were defeated by the "Irish Brigade" at Fontenoy, "Cursed be the laws that have deprived me of such subjects."

Today England needs Ireland's assistance and Irish sympathy, but she has destroyed both forever, in Ireland, in America, and in her colonies.

The injustice done to Ireland in the past was known only to the Irish; today it is known to the whole world, on account of the re-enacted barbarous massacre of Dublin, May, 1916. The massacre of Dublin is only the repetition of the massacre of men, women and children at the fall of Drogheda and Wexford Town, under Cromwell. As it was then, so it is now. The death sentence of the Irish liberators was determined prior to their mock trial. Behold England's wise laws, her twentieth century civilization, her Christianity! Of course she is in a good position to speak of Germany's barbarism!

Instead of the song of a few months ago, "It's a long, long way to Tipperary," the sons of Erin at home, in America, and in the English colonies sing now: [51]

"Too long we fought for Britain's cause,
 And of our blood we're never chary;
 She paid us back with tyrant's laws,
 And thinned the homes of Tipperary.
 But never more we'll win such thanks;
 We swear by God and Virgin Mary
 Never to 'list in British ranks,
 And that's the vow of Tipperary."

Then there is India—held through de- India
ceiving the guileless natives with great
promises of eternally-filled cornucopias. Order re-
stored by means of rifles, taxation, the ruin of indus-
try, famine—countless millions dying under English
rule.

“The Truth About India” is promised American
readers of newspapers by “Ram Chandra’s News
Service,” which has its headquarters in San Fran-
cisco, according to word sent to residents of Hono-
lulu.

Ram Chandra, the East Indian, who is head of the
service, declares in his letters that “three hundred
million people in revolt, waging a war for political
freedom, breaking the chains which have enslaved
them for more than a century, are utterly cut off
from the civilized world by the British censor.”

“Not a line of the great world events which are
taking place behind that veil of secrecy reaches the
outside through the ordinary news agencies or the
ordinary mails.”

Ram Chandra’s service, though it baffles the
British censor, is absolutely authentic and reliable.

And Egypt—occupied under solemn pledge Egypt
[52] to get out again almost immediately.

Hands of the clock stopped somehow—so the Brit-
isher finds himself compelled to stay and gather great
wealth, not to mention being so convenient to Suez,
by which means he can instantly threaten and injure
the commerce not only of Germany, but of dear
France, and Russia, too. Frequent hangings of
Egyptians help to relieve the bore of it all.

South
Africa

Farther down, South Africa, conquered by the unflinching British heroism that kept right on despite the sneers of the world, which saw its vast armies routed by about 30,000 active cavalymen—sharpshooters; finally pacified by concentration camps of Boer women and children—in camps where, according to British admission, 14,000 died of starvation and disease; according to Boer and Irish accounts, over 20,000. Whichever way you look at it, undeniably one of the finest triumphs of British altruism.

Greece

And, by the way, I had almost forgotten little Greece, whose ports and islands were not occupied by Britain or her Allies on account of military necessity. Oh, no, not it!†

Scotland

Or take Scotland—with her brave, foolish people, duped into loyalty which is costing them their nationality, land and language.

Peru

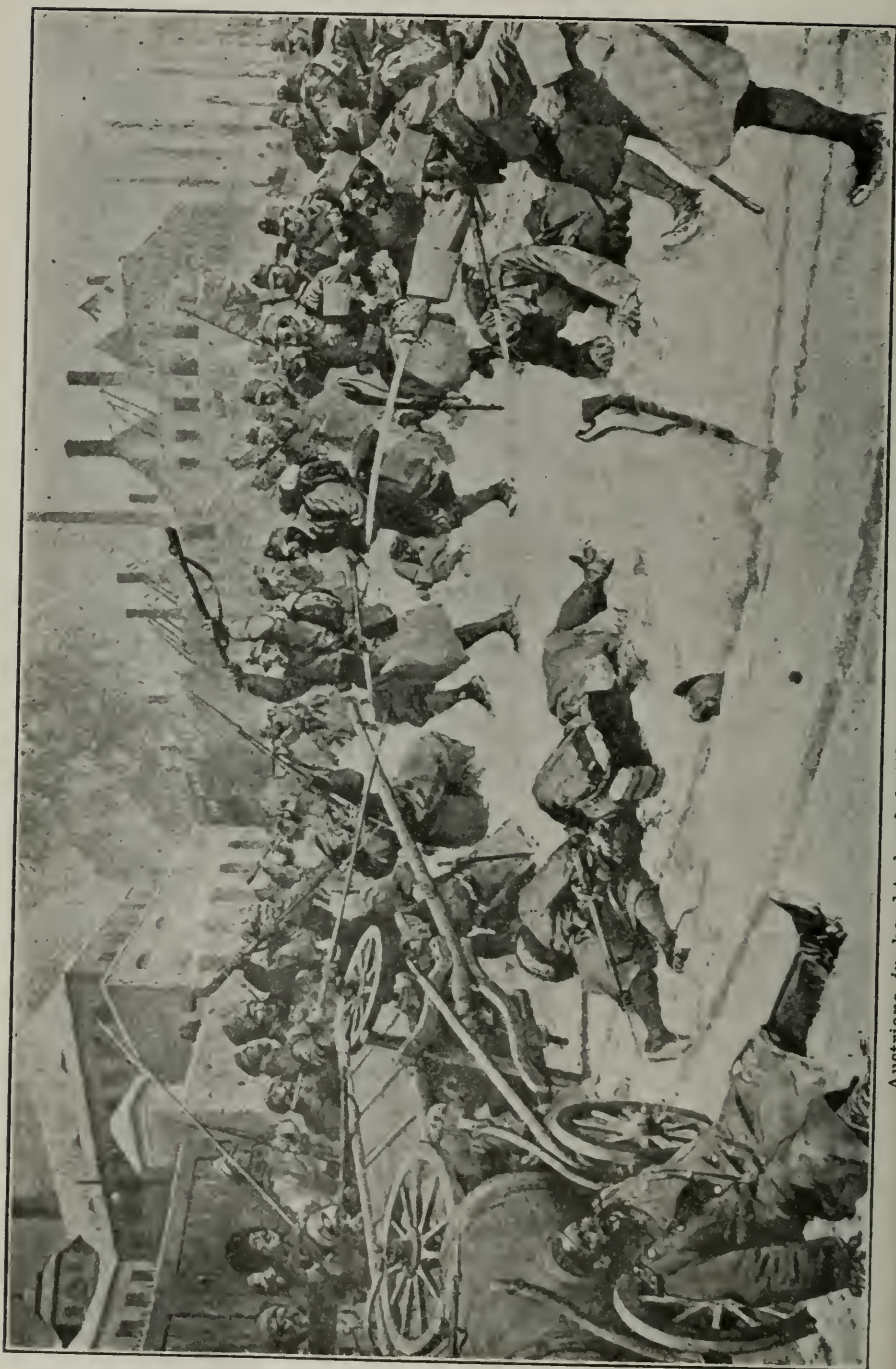
Or wherever English capital goes, as in the Putamayo district of Peru, where the Peruvian employees of English directors were quite unmolested by said directors in their system of driving each Indian captive to the limit, regardless of sex or age, till in a few months death was certain from lashing, maiming, etc., till an Irishman, Sir Roger Casement (now often called “the humanitarian traitor”), who was at that time British Consul in that district of Peru, exposed this hell to the world.

† The partisan of the Allies does not reason about causes—he feels. His emotions are dominant. Having determined that Germany is to be blamed for the war, he judges every subsequent issue unfairly. Atrocity tales from the Entente side stir his anger, whereas atrocity tales from the German side are hailed by him as undisputable facts. He demands that the United States protest the violation of Belgium's neutrality, but he would consider it silly to protest the violation of Greece's neutrality.

Or take England herself—square mile after square mile of slums, which represent ^{England} the intensest and most continuous misery, the utmost degradation, the most appalling failure of civilization, to be found anywhere. Her rural population is disappearing; her health and strength, ditto. The scant remainder of her rural population is divided between landlords, who live on the rent; farmers, whose political minds have been ossified into snobish toryism for centuries; and laborers, who dare not raise a voice in public affairs. Nowhere else, indeed, as they boast, does liberty flourish as in England and her possessions—thank God!

Let us now look at the country she wishes to destroy. A land of 208,830 square miles ^{Germany} of territory—an area not so great as our single State of Texas, which has 265,780 square miles—where agriculture has been systematically developed and improved until it has reached the highest point of productiveness known in the world, so that Germany can produce almost all the food absolutely necessary to sustain 70,000,000 of people. So intensely has this little section of the globe been worked that it rivals England in the foreign trade of the world. [54]

Richard M. McCann, editor of “Waterways and Commerce,” gives the following facts and figures: “More than 80 per cent of the German rail-roads are owned by the Imperial—or State—^{German Railways} governments. There are more than 2,000 miles of electric railroads, 6,000 miles of navigable rivers, 1,500 miles of canalized rivers and 1,500 miles of canals. The Kaiser Wilhelm or Kiel Canal con-



Austrians in hand-to-hand battle with cornered Russians.

nects the North Sea with the Baltic and is 61 miles long, with an average depth to permit the passage of the largest ship. Its cost, upward of \$70,000,000, has been more than repaid by the protection it has afforded the German navy.

Germany of all countries of the world has developed its water transportation to the highest state of perfection. Her rivers are not deep, but their channels are in good condition. Her terminal facilities and physical railroad connections at stopping points are of the best. If you will go to that country and visit the Rhine you will see that stream full of barges, from ten to twelve hundred ton capacity each, six, eight, and even more of them linked together and drawn up and down the river by one powerful tug, with perfect arrangement for loading and unloading, and with economic physical connection with the railroads which receive their cargoes and distribute them into the interior.

The waterways of the United States cost the people \$100,000,000 annually in taxes and are of negligible benefit of commerce, while the waterways of England are useless.

The railways of Germany pay a profit of \$5,000 a mile—what of the railways of the United States? [57]

Profits of
Railways, etc.

The expenses of the German Empire are paid by the profits from the postal service, the telegraphs, telephones and state railroads. What revenue does the United States receive from these sources?

So much for the material side of Germany. Let us glance at the mental or educational side. School

instruction is obligatory on the whole people, and the government is liberal to extravagance in the promotion of primary and secondary education. There are 25 universities with 70,000 students. The leading universities are in Berlin, Munich, Bonn, Leipsic, Halle, Heidelberg and Breslau. There are also technical and polytechnic schools, the Naval Academy at Kiel, Military Academy at Munich and Berlin, besides 60 schools of navigation, 15 special military schools and 10 cadet institutions.

And all of this in a territory less in area than the State of Texas. Think of it! there is a reason—and that reason is:

THE REVENUES OF THE GERMAN EMPIRE HAVE BEEN HONESTLY EXPENDED.

There is no other country on earth in which the general plane of civilization is so high! Education is universal and illiteracy is completely stamped out. There are no slums, and prosperity is universal. The sense of duty is the governing principle of life, from the highest to the lowest.

Those who know Germany well are compelled to admit that the German government is a government for the people, and is both just and benevolent. There is rather a wide-spread [58] belief in America, that the Germans, in their own homeland, cannot precisely be called a free people, and do not enjoy those rights of man to which every American thinks he has a claim. But you will find in Germany, faces less anxious than those to which we are accustomed in New York. Travelers, who live for a while in Germany, soon find out what a kindly feeling the

German harbors toward his paternal government. All the various German states hold with enthusiasm to the German confederation. Separate, those states were of no significance and suffered great economic disadvantages. United, they are constituent parts of a powerful nation and enjoy immense economic advantages.

During the first months of, 1915 a sum of 600,000,000 marks surplus was paid into the German savings banks, whilst in France, during the same time, 57,000,000 francs more were drawn out than paid in showing that the economic forces of Germany are as great as her military strength.

Germany has contributed many millions of immigrants to the United States, and their blood is now in the veins of over one-fourth of her inhabitants. To look at the history of the Germans, to regard their institutions, to study their books and attend their universities; to meet them in their own land, and witness their peace, prosperity, geniality, good living, love for the arts and reverence for scholarship, to attend their operas, to meet them in business in America; to send your children to school with their children; to see their affectionate home life; to do your banking with them; to buy your beer, ice cream, [59] candies, groceries and delicatessen from them—why, you would think they were civilized people, splendid people. But not so! The English tell us, and the American press echoes, that they are a horde of barbarians, single-minded on putting out the light of the world.

Barbarians

Interned in Honolulu are the little gunboat "Geier," with a complement of 160 officers and men,

and seven German merchant steamers, with a combined crew of 240—altogether about 400 men. They have been here now two years and not one of all these men has ever been in any way in conflict with the police. Everybody in Honolulu has observed and has remarked on the neat and clean appearance

and the good and modest behavior of the
 "Geier"
 Sailors "Geier" sailors. All the sailors and soldiers in Germany are and behave just like the "Geier" sailors here in Honolulu. There is not one family in Germany, nor is there a German family anywhere in the world, which does not have some one of its members or relatives belonging to the Army or Navy, and this shows clearly that the German soldiers and sailors are not a separate class of men, but a part of all of the German people.

Public opinion, molded by the American press into English sentiments, has been built on misrepresentations and falsehood, so that now many Americans consider the German cause not only a lost one, but also an unclean and unholy one.

Newspaper
 Headlines I see before me great headlines of our daily papers:

"Murder and Rapine."

"Germany's Warfare on the Defenseless."

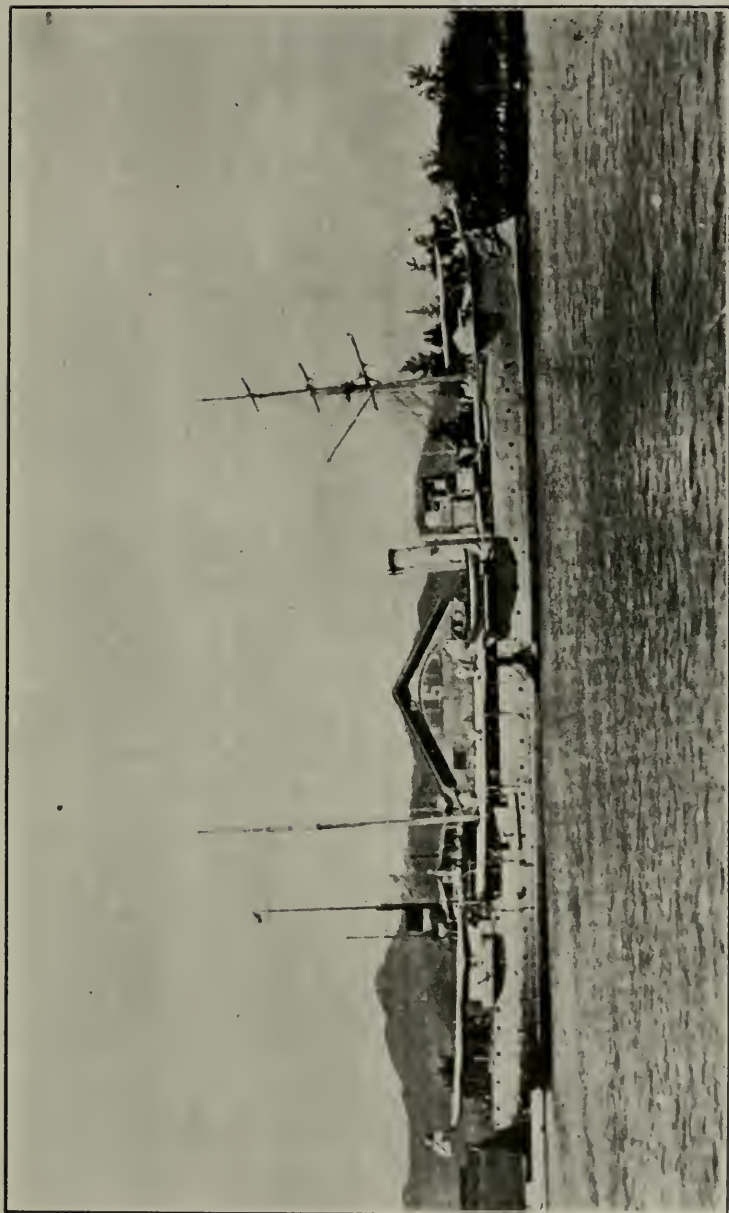
"German Savages." [60]

"Devils and Beasts."

"Huns Cut Off Women's Breasts."

"Drunken Prussian Soldiers Order Belgian Boys to the Block and Chop Off Their Hands."

Such are the headlines of at least nine-tenths of our English-owned, controlled and prostituted press.



The German Gunboat "Geier," interned at Honolulu, Hawaiian Islands. [61]

However, not only the great majority of the intelligent neutrals, but many a fair-minded Britisher shudders and turns away with indignation from the sensational and lying headlines. What some of them think about this war and about the alliance with Russia, the following will show you:

I went, some nights ago, accompanied by an English friend of mine, a man with a great and lofty soul, to a local theatre. Enraptured by the wonderful harmony of an overture, he leaned over toward the orchestra (we were sitting in the "bald-headed row"); and ascertained that the overture was from "Don Juan" and composed by Mozart. He sat in silence for a moment, and then gave utterance to his thoughts: "What a pity that we British should be arrayed against the race which has given us a Mozart, a Beethoven, a Bach, a Mendelssohn-Bartholdy, a Liszt, a Schubert, a Wagner, a Wilhelmi, a Haydn, a Meyerbeer, a Schumann, an Offenbach!" The play was Michael Morton's powerful and well-known Russian drama, "The Yellow Ticket." I watched my friend's countenance, which betrayed his deep emotions, while the drama unfolded itself before our eyes. Again he gave vent to his feelings, saying: "And this portrays the country which [63] we are upholding? Good God, it seems unbelievable that we should be helping to tear down the great German barrier which has for so long protected the world against Russian barbarism."

There is no room for doubt, that America exhibits the deepest sympathy for France. People argue that it is our republican duty to support France;

but I will ask you, is it also our republican duty to support Russia, the most oppressive and outrageous absolute monarchy and autocracy on the face of the earth? Is not the Russian Government the very antithesis of republicanism?

Not only with Belgium and France did England scheme and plan for Germany's destruction, in order to further her selfish aims, but with her old enemy and rival, the Russian Bear, which for years caused her so many nightmares. So it happened that in the first days of 1913 Germany discovered Russian military movements from the trans-Caucasus toward Armenia—abetted by Britain. They meant the destruction of the Turkish Empire in Asia and the destruction of German commercial interests therein. These interests of peaceful and legitimate trade, so carefully worked out by the great commercial bodies of Germany, were promulgated in 1898 by the Emperor's visit to Constantinople, and finally concluded in the year 1900 by the granting of concessions to a German syndicate to build and operate railways from Constantinople through the middle of the Turkish Empire in Asia to the Persian Gulf. [64]

England is now going back on her former policy of keeping Russia from an ice-free port, seeing in Germany a much more formidable rival. Therefore, she promises and is willing to give to Russia for her aid in the present war Constantinople and the Dardanelles. What, however, the final outcome for Russia would be, should victory rest with the Allies, we can readily guess. Cunning coalition

German
Railway to
Bagdad

Ice-free Port
for Russia

would again be formed in order to crush the new and dangerous upstart. History tells us that this course has again and again been pursued by the adroit and unscrupulous politicians of England. Did they not do so with France? Did they not in like manner despoil Denmark, and the Netherlands, and Spain?

Present War
Attack of
England on
Germany

But through the prowess of the German arms, though fighting against vastly superior forces, through the loyalty of her sons and daughters, by her thoroughness and by her efficiency, Germany will not allow history to repeat itself this time.

The people of Germany declare that the present war is nothing else than a long planned and long prepared-for attack of England upon Germany, and they explain it as follows:

For many years there was no Germany. There were 38 states, large and small, in which the German language was spoken, and all of these states together were marked on maps as Germany, but there was no Germany; there was no unison among those states, they quarrelled and fought among themselves. The ruler of each one of these states was an independent sovereign and each one of them had diplomatic [65] and consular representatives all over the world (even in Honolulu).

Bismarck

Bismarck succeeded in overcoming the vanity and false pride of those little sovereigns and he brought about an agreement for a union of all those states, under the leadership of the King of Prussia, whose official title was to be German Emperor.

To prevent the actual carrying out of this agreement, France in 1870 made war on Prussia; but this war turned out to have an effect opposite to France's expectations. The unification of the 38 Germanic states was perfected instantly upon France's declaration of war. Napoleon III had to travel the route that many other monarchs have traveled after defeat in war, and Germany took back from France the provinces of Alsace and Lorraine which had been separated from Germany by France in the year 1681. (Alsace was German from 780-1681, French from 1681-1870 and is German again since 1870).

Franco-
German
War, 1870

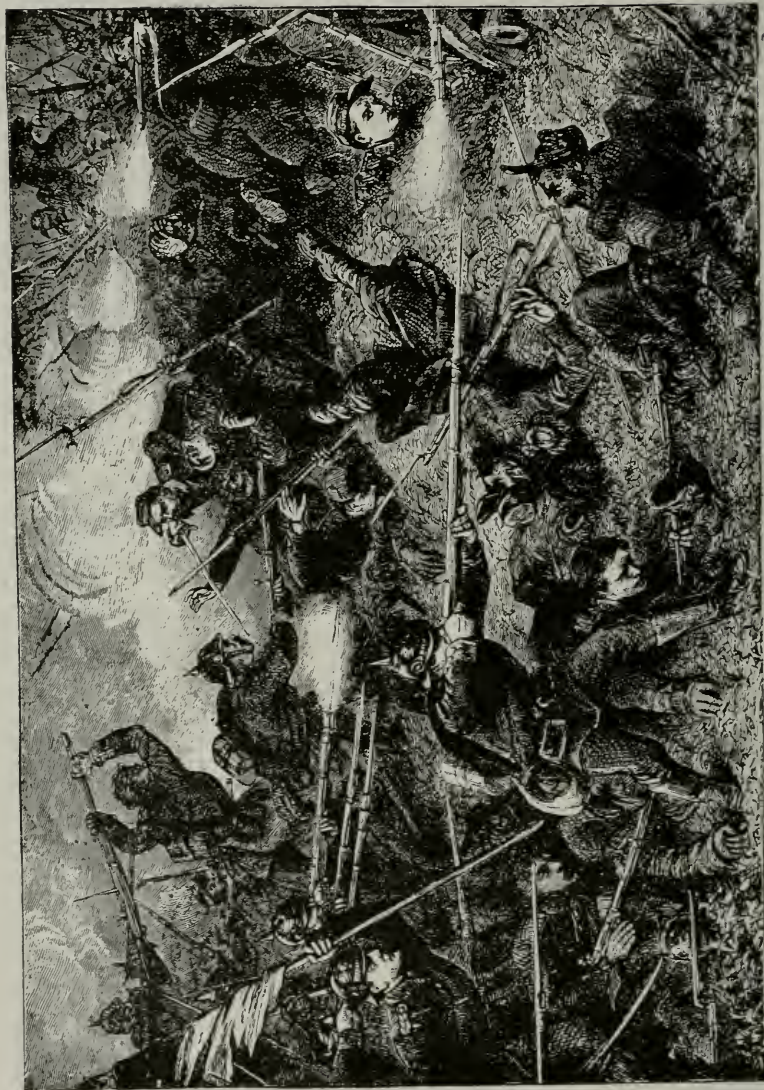
Since then, for 44 years, United Germany has quietly and peacefully pursued its own affairs and has succeeded in building up a large exporting business, thereby detracting considerably from the business formerly done by English exporters.

United
Germany
(Empire)

For the protection of her exporting business, Germany needed a navy and she built a navy. This navy and her exporting business aroused the envy and jealousy not of the English people but of the English politicians and capitalists, who concluded that both the navy and the commerce of the Germans must be destroyed. [66]

("Germany was growing too strong, she had to be knocked down" as one of our Honolulu Britishers, in his terse way of speaking, explains the cause of the present European war.)

By reason of her geographical position, being situated between Russia and France, Germany had



Germans Storming French Position. [67]

to maintain a large army for the protection of her land and her people at home, not against the Russian people and the French people but against Russian politicians and French politicians. Russia, the great, overpowering, sinister, tyrannous, ever-growing Russia, with her theory of pan-slavism, on one side, and France, thirsting to revenge the humiliation of 1870–1871, on the other side, made it absolutely essential that Germany should have an army; and she did build up an army, so efficient and so powerful that no nation would have dared single-handed to attack Germany.

But the English politicians had made up their minds that the German navy must be destroyed, that the German commerce must be destroyed, that the German union (Empire) must be destroyed, and that Germany must be broken up again into its 38 component parts.

Therefore, shortly after the death of his mother, in the year 1901, King Edward VII arranged England's understanding with France (the Entente cordiale), and thereafter aided in bringing about the mutual understandings (Entente) between England, France, Belgium, and Russia. Further partners to the Entente were sought. With Japan, England already had a treaty.

The alluring prospects of this Entente were: [69]

For France, revenge for 1870–1871, and possession of all the German lands up to the western bank of the river Rhine.

For Belgium, the Duchy of Luxemburg, and some of the German colonies in Africa.

For Russia, Constantinople and the Dardanelles, the German Baltic provinces, and the formation of a great Pan-Slavic Empire.

For Japan, Kiauchau with the German sphere of interest in China, and the German islands in the South Seas.

For England, destruction of German navy, commerce, industries and country, possession of German seaports, and of German colonies in Africa.

Italy joined the Entente some time after the war had begun, and prospects for her are Albania and Trieste.

The existence and the objects of the Entente were no secrets. Newspapers of all the interested as well as other countries for many years discussed it freely. Thus Germany and her loyal friend and neighbor Austria, knew what was coming and they, of course, prepared for it, just the same as the Powers belonging to the Entente have been preparing ever since the consummation of the Entente.

Struggle
Commenced Under the leadership of England this matter was brewing and fermenting. The bung popped out of the cask, perhaps a little unexpectedly (by the dastardly murder of the Austrian Crown Prince and his wife), but the bung was out and could not be driven back again. The politicians saw their opportunity to commence the destruction of Germany. France and Russia [70] mobilized their armies and thus the war commenced.

All of the German people, without exception, claim that England and her Allies attacked them in the midst of their peaceful pursuits of business and hap-

piness; and they are now fighting desperately for the defense of their property, their homes and their families, full well knowing that they have to fight against enemies numbering more than three to their one.

The crushing of Germany—if that were possible—would only mean another war, between England and Russia and France. Remember that France hopes to regain Alsace and Lorraine and Russia not only covets Constantinople but also the Baltic Provinces of Prussia to get control of the sea. England could not consent to place such power in Russia's hands and neither could she profit by the advancement of France. The triumph of the Allies means the continuation of the world war. The triumph of Germany means the speedy establishment of world peace:

Let us now briefly review the operations Doings of
German
Navy in the various war zones. What has the German fleet done? The Allies say it has done nothing. The fact is, however, that it has cut the Entente in two. It has prevented the shipping of arms and ammunition from France and England to Russia, and it has prevented the sending of raw material from Russia to England and France. The contest of the British and German navies may very suitably be compared with a prize fight. The North Sea is the arena; the German navy, a nimble and clever [71] youngster; the British navy, a powerful heavy-weight, getting old. That the younger German giant will give a good account of himself is confidently expected by the German people.

According to the figures published by the German

admiralty, covering German naval activities during the two years of warfare, England and her Allies have lost more than three times the warship tonnage that Germany and her allied Powers have lost, and in actual number of ships sunk or destroyed the balance is also much in favor of the Germans.

The table given out says that the Entente has lost forty-nine warships of all sizes since the outbreak of the war, with a total tonnage of 562,000. Of these ships, forty belonged to Britain.

The Teutonic loss is given as thirty-seven ships, with an aggregate tonnage of 162,000.

Turning to the merchant marine losses of England and her Allies, the statement declares that in all 1303 merchant ships have been sunk by the Teutonic Powers, representing an aggregate of more than two million tons.

What has the German army done? It has freed Poland; it has occupied one-third of Russia's industrial territory; it has conquered and occupied Belgium with its coal fields, Servia with its copper mines, the northern provinces of France with her iron deposits; it has cleaned up Montenegro, and holds a firm grip on Albania—that tempting bait by which England lured treacherous Italy to everlasting disgrace. This was, of course, all done with the aid of Austria-Hungary, Bulgaria, and that wonderful [72] old convalescent, whom efficient German doctors have given a new lease on life—Turkey.

Doings of
German
Army



"JUDAS ITALIANO,"

Sells himself for thirty sacks of English gold. [73]

ITALY, 1915.

I

Tear from thy brow the olive wreath
 Thy laughter sickens to a leer,
 Behold thy honor falls beneath
 The hammer of the auctioneer,
 Now Cain shall claim thee for his own,
 And Judas keep thee company;
 Hell, when blackest deeds are known,
 Shall hail the name of Italy.

II

These are not Caesar's Seven Hills,
 Nor this the land that Dante trod,
 A breed of ingrates plagued with ills,
 To mankind traitor and to God,
 Vesuvius speak with molten lead,
 Roll on her plains they fiery seed,
 And, do to her a mortal deed,
 Wipe out the name of Italy!

III

Oh Holy Father, held in hyves,
 They stray too far from out Thy fold,
 These hucksters of their children's lives,
 Who sold their souls for British gold.
 Pray for them, for Thy heart is kind,
 And where no mortal eye can see,
 Perhaps God's mercy still may find
 A spark of shame in Italy.

IV

She gave her brothers stone for bread,
 Now through her towns shall ride the Goth,
 And ruined valleys drenched with red,
 Remind her of her broken troth.
 The Teuton thundering through her land
 Shall set God's prisoned Shepherd free,
 But thou shalt wear the scarlet band
 Of England's strumpet, Italy. [74]

How bombastic England came to the rescue of her befooled little Allies everybody knows. Thanks to her, the King and Queen of Belgium have lost their house and home. Thanks to her, aged King Peter is an exile from his native land and, thanks to her, valiant old Nicholas of Montenegro and his wife are fugitives in a foreign land. These are truly pitiful conditions, which cannot fail to serve as a warning to those other nations who so readily accepted and believed in the vain and idle promises of England. So it has come about that Rumania, which was expected to enter the war on the side of the Allies right from the start, hesitated for two years, and sold in the interim to Germany over a million bushels of grain. However, she has finally yielded to the tempting offers of England and Russia.

England to
the Rescue of
Small Nations

Rumania

For blood will tell. Like her treacherous ancestor, "Judas Italiano," so has its contemptible offspring sold herself into perpetual and disgraceful bondage for some millions of English gold.

Surely, a just Heaven cannot fail to mete out a befitting reward to those vile traitors!

Now Bulgaria is actively hostile, and Greece is sullenly submitting to the occupation of her territory by the Allied forces. Of the five Balkan States, the Allies have so far only one to show for the money they have expended and the armies they have sent to Gallipoli and Salonica. On the other hand, Portugal was a safe [75] bet, and when John Bull whistled, she

Bulgaria
Greece

Portugal

jumped into the ring with her basket full of stolen German ships.

Coming back to America, let us discuss the so-called neutrality of the American President. Is President Wilson neutral? Certainly not. He is strongly pro-British, and I will point out this fact to you.

President Wilson refused to meet Dr. Dernburg, on the ground that it did not coincide with his notion of neutrality to receive agents of the warring nations. But President Wilson graciously received Lord Reading, the London stock broker, sent to the United States to negotiate a loan for the Allies. Two American officers were censured because they were present at a toast to the Kaiser, which was given in German, although they did not understand the German language; but we have not heard that Dudley Field Malone, Collector of the Port of New York, and other Federal office-holders who toasted the King of England and drank to the success of the British Allies at a recent banquet given by Wall Street to the British Commissioners, have been disciplined by the White House. People shake one another by the hand and proclaim, "Thank God, who has given us in these trying times our President, that great man, who is striving so hard to keep us out of the European conflict." I will later show you how he is aiding those who are working early and late to bring about the appalling conditions which a war with Germany would create in our United States. And how could the United States help the Allies in case of war [76] with Germany? with troops? No.

President
Wilson's
Neutrality

With her navy, while the combined navies of Britain, France, Russia and Italy failed so ignominiously? No answer needed! She is already doing almost all she can to supply the Allies with the sinews of war, and with all conceivable supplies, including our valiant American mules. But while she will receive for this under the present status the coin of Germany's enemies, she would in case of war be compelled, as her share in the conflict to dole out the war supplies free; and it would fall to the lot of us taxpayers to foot the bills and to hand into the blood-besmeared hands of our millionaire munition-makers our honest, hard-earned dollars!

Our ears are still ringing with the outcry made by humane and magnanimous England Humane
England when Edith Cavell was led to her doom. But humane and magnanimous England, which is doing her utmost to starve the women and children of Germany; humane and magnanimous England, which is withholding American condensed milk from Germany's babies; humane and magnanimous England, which is keeping American Red Cross and hospital supplies from the Teutonic Powers, made no protest when her military tribunal sentenced to death the patriots of Ireland.

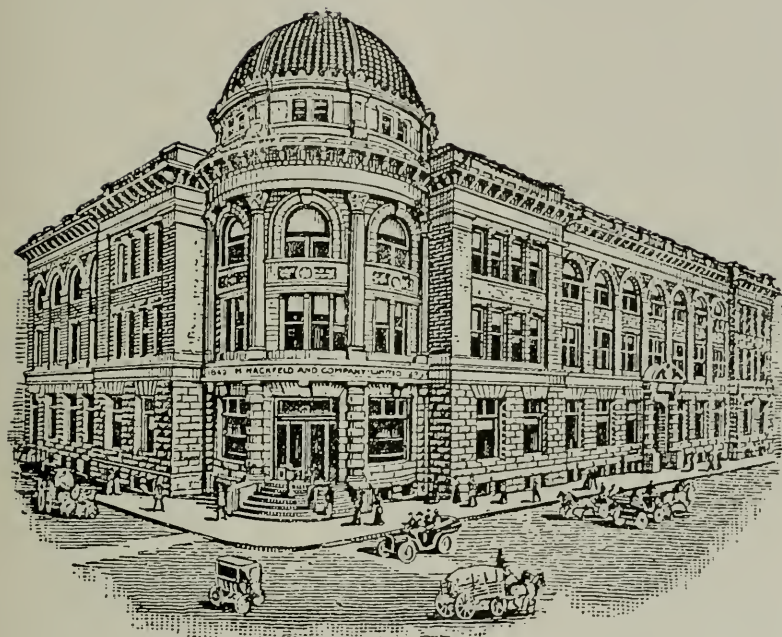
While I firmly believe that American citizens of German birth will not violate their oath of allegiance, there would be grave danger from those who are not bound by any such oath. Let us be warned by the tragic yet sublime doings in poor Ireland, where a band of 800 [77] poorly armed patriots defied, for a

whole week, 20,000 British troops, fully equipped with machine guns and cannon.

Irish Revolution, 1916 By the summary execution of the leaders of this uprising, England committed by far the most serious of all the many blunders recorded against her, wherever she had control in this war. The whole world knows how she failed at Antwerp, at Mons, in the Dardanelles, in the Balkans, in Mesopotamia, and is now deeply shocked and dumfounded by her cruel and assinine act of sending to the scaffold men whose only crime was unbounded and never-ending devotion to their beloved Ireland. Though they died, their blood will not have been shed in vain, and hundreds of thousands of implacable Irishmen in all parts of the earth will aid to avenge their martyred countrymen, who sacrificed their lives for their righteous and holy cause. The last of them to die was Sir Roger Casement. Unflinchingly at 9 a. m., August 3, he mounted the fatal platform of the gallows in Pentonville jail. His last words were: "I die for my country."

Before the English tribunal, when the Irish patriot was asked what he had to say for himself, he delivered an eloquent speech and said: "If we Irishmen are to be hanged as murderers, shot as rebels and imprisoned as convicts just because we love Ireland, then I am proud indeed to stand here in the traitors' dock, proud to be a rebel, glad to give my last drop of blood for the rebellion."

Even the most thick-headed of all the blustering and blundering Englishmen ought to realize, [78] that the murder of these patriots will not remain un-



Home of German Consulate in Honolulu. [79]

avenged. Regarding Sir Roger Casement, had he been pardoned or merely been kept in prison for the duration of the war, he would have been forgotten, and perhaps for the remainder of his life would have hung his head sheepishly in some capital of Europe. For the manner of his failure and capture was ludicrous and lacking altogether in heroic dignity.

Now he is dead, and behold, the man who might have been a jest suddenly has been elevated into martyrdom; and in the years to come, when the names of those who are now guiding the destiny of England are forgotten, the name of Sir Roger Casement will be heard over the peat fire. Perhaps his name may become the battlecry of Ireland in some future struggle for her liberty. For the name of him, whom the people believe died a martyr, will live in the hearts of his people forever, and be more potent than Sir Roger Casement could ever have been in life.

Let us hope that the time is rapidly drawing near when an "Independent Ireland" on one side and a "Greater Germany" on the other will keep an effective guard over "Perfidious Albion" and her BLOOD-RED FLAG.

"GOD SPEED THE DAY."

When laid aside the shining steel,
 And mighty guns have ceased to roar,
 When Victory's bell shall loudly peal,
 And tyrant rule shall be no more; [81]

When Erin's flag shall kiss the breeze,
And freemen cheer its every fold,
The despot, beaten to his knees,
Will cringe to White and Green and Gold!

When German guns shall batter down
And set aflame "the wooden walls,"
When greycoats march through London town
And Britain's bloody scepter falls;

When stands exposed before the world
The Leper of humanity,
And Freedom's flag shall be unfurled,
Ireland will stand—with Germany.

Let us see what the Father of the United States said about neutrality. Washington, in his farewell address said: "Harmony and liberal intercourse with all nations are recommended by policy, humanity and interest. But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preference." President
Washington

Jefferson laid down the rule in the simple proposition that, "The duties of neutrality require equal conduct to both parties at war." President
Jefferson

Many people think that President Wilson was elected by a majority vote of the people. President
Wilson
Not at all. He owes his election to the foolish attempt by Roosevelt to create a third party at the last election; and in the shuffle of the three-cornered fight, Wilson happened to receive more votes than either the Republican or Progressive candidate. That is the way he became President. Wilson is

arbitrary, overbearing and fickle-minded. He [82] pays no more attention to the wishes of the American people than he did to the wishes of the teachers and pupils of Princeton University. He is not neutral, he favors England and does all he can to find a pretext to break with Germany.

Mr. Wilson, as an individual, has a perfect right to his sympathy and love for things English, but as President of the United States, it is his irrefutable duty to put a curb upon his sentiments as well as upon every transaction that might be construed as a preference of one of the belligerents to that of another.

Our Next President The next Presidential election is not far off. Can Mr. Wilson count on the votes of German-Americans, Austrian-Americans, Irish-Americans? No matter of what political partisanship, they would consider it almost a crime to ballot for a man, who has so often interfered with and dictated to a friendly nation. They will prefer even an obscure personality of unknown sentiment, to Wilson, with his pronounced pro-British feelings. Charles E. Hughes, as a strict neutral, in accepting the Republican platform, says: "We interfered in Mexico without consistency, and, while seeking to dictate (to Germany), where we were not concerned, we utterly failed to appreciate and discharge our plain duty to our own citizens." Those are the words of a real American, who will respect and be respected by all friendly nations. It requires no great prophet to foretell the results of the coming election: **CHARLES E. HUGHES WILL BE OUR NEXT PRESIDENT!**

One of the closest and hottest contests for the Presidential chair is over, and President Woodrow Wilson emerged from it victor by a narrow margin. The American people acted with great wisdom, and those (myself included) who have worked bitterly and hard to defeat him at the polls, began to realize their mistake at the eleventh hour. Without Roosevelt as his "Right Bower," Charles E. Hughes would have had nine-tenths of the German-American and three-fourths of the Irish-American vote, and Wilson would have been beaten. But, God, in His wisdom, permitted Theodore to "shoot off his mouth" in time, and the majority of the deluded partisans of Hughes staggered back from the brink of an awful precipice into safer paths.

Thru the re-election of President Wilson, the American people gave to the world a practical demonstration that they stand for "NON-INTERFERENCE" in the European conflict. They reasoned that Wilson, though of decided pro-British sentiments, has kept us out of war. German-Americans, and Irish-Americans, and all others who have a grievance against Mr. Wilson should not overlook this. They should also bear in mind that President Wilson has gone thru, and is still going thru, the most trying ordeals that any President, except Lincoln, has faced. Should he now remove the cause of the grievance, so paramount with all fair-minded people, to wit: "THE RECKLESS TRAVEL OF UNPATRIOTIC AMERICAN CITIZENS ON MUNITION SHIPS," he would gain the undying gratitude of millions of loyal American citizens.

A manifesto, such as was issued by the British government during the Russo-Japanese war, would quickly and effectively solve this vexatious and vital question.

Refer to side-caption, page 96: "Warning Americans not to travel on English ships." "Warning British not to travel on belligerent ships during Russo-Japanese war." [83a]

**Secret
Diplomacy
and Secret
Under-
standings.** Under Mr. Hughes' Presidency there will be no room for secret diplomacy and secret understandings and secret alliances.

In England and her colonies, and in France and Russia—in spite of all war materials and loans supplied by the United States—feelings run high against the United States. It is claimed that the United States is not doing its duty towards England and her Allies in fulfillment of an understanding (Entente) made some time ago, and which is still in force.

Was it with reference to this understanding when our Ambassador Page said at a banquet in London in February, 1914, "After all, the United States is English ruled and English led"?

Is there a secret alliance? Read the following:

Is there a secret alliance between the United States and England? The question may startle those who have not given the subject of our present relation with the world powers and our statecraft, within the past twenty years, more than perfunctory consideration. It is undeniable that, since the war with Spain, the American Government has turned into new channels of diplomacy and has established more intimate relations with England. Many new things

have occurred since then, which the average American cannot easily explain to himself.

During the Boer War we were, officially, ^{Boer War} on the side of Britain. No European monarchy contributed so freely in official sentiment and substantial material to the defeat of the Boers as we. English officers appeared everywhere [84] in this country to establish camps for the inspection of mules and horses. There were such camps at Kansas City and New Orleans. We supplied arms and ammunition to the English. Every port contained English transports and vessels loaded with supplies for the British army in South Africa. The same outcry of the American element, which is against such shipments, went up then as now. General Pearson, acting for the Boers in this country, declared that if the United States would stop the shipment of mules and guns to the English, the Boer republics were sure of victory.‡

Mass meetings were held and protests launched against the unholy traffic which meant to destroy two flourishing republics; but no attention was paid to these things, while the protestants in Congress, such as Senator Hale, were told to hush up. The same old argument was used: "The Boers have the same right as the English to buy what they want in our markets. We are strictly neutral."

But were we strictly neutral? Mr. Joseph Chamberlain, then the English Colonial Secretary, let the

‡It is the Author's opinion, that the great European conflagration would have burned itself out within six months after its outburst, had not the United States supplied the Allies with fuel to keep it going. What a frightful responsibility for the guilty! How many thousands, nay, millions of widows and orphans are being left in sorrow and misery through the greed for money!



Field Marshal von Hindenburg and His Staff. [85]

cat out of the bag in a speech in the House of Commons. He spoke of "an agreement, an understanding, a compact, if you please," between his government and the United States.

That the pitiable surrender of American interests [87] to English dictation in all questions affecting our permanent prosperity, our rights as a neutral nation to transact business with non-combatant communities and to foster in peace our trade in non-contraband goods under rules established by long practise and written guarantees, and the dual policy of the administration in dealing with Mexico on one hand and with Germany and Austro-Hungary on the other, and the arbitrary enforcements of rules against German wireless stations and German ships, which are ignored toward English cables and vessels, constitute a policy that rests upon a secret "agreement, or understanding or compact," between Washington and London, is publicly confirmed by Roland G. Usher, Professor of History at Washington University, whose works, "The Rise of the American People" and "Pan-Germanism," are generally accepted as books of authoritative origin.

English
Dictation to
United States
of America

Prof. Usher,
of Washington
University

Prof. Usher declares outright that there is a secret understanding between the Allies and the United States, and in his book "Pan-Germanism" he calls attention to specific instances, in which the policy of the United States has been distinctly influenced and directed by this alliance against Germany:

First, that in 1897, there was a secret understand-

ing between this country, England, France and Russia, by which, in case of war brought on by Germany, the United States would do its best to assist the three allies. Second, on page 151, that "certain events give color to the probability that the Spanish-American war was created in order to permit the United States to annex Spain's few remaining colonial possessions." [88] Third, that England possesses three immensely powerful allies—France, Russia and the United States. These he constantly speaks of as the "Coalition." Fourth, that the United States would not have been permitted by England and France to build the Panama Canal, had she not been a member of the "Coalition."

That these are not the idle statements of a sensational pamphleteer is vouched for by the character of the author, and the high standing he enjoys as an American historian. "Pan-Germanism" was published in 1913, and these statements have never been disputed.

If we view the policy of this administration in the light of Mr. Usher's assertions, it becomes clear why we are not neutral and why the State Department is forced to employ every available subterfuge to calm the insistent demands of the English newspapers and public men, as well as the clamor of Prof. Chas. W. Eliot, of Harvard University, Theodore Roosevelt, and others, for active intercession of the United States in the European war on the side of England and her Allies.

For the present our aid is extended only in the shape of guns, cartridges, shells, bullets, powder,

horses and mules, together with all the accessories and trappings belonging thereto, and in war loans. But are we pledged to assist England?

We may have good reason to thank Providence that Theodore Roosevelt is not now tenant of the White House in Washington. The Rough Rider's clamorous appeal to the passion of the American people over the so-called violation of Belgian neutrality, is clearly [89] explained by the light of these revelations, for, of course, as ex-President he must have known, all along, of the coalition against Germany, and he must have admitted Prof. Eliot and ex-Ambassador Bacon into his confidence. Prof. Usher was formerly professor of history at Harvard, from which institution Roosevelt graduated in 1880; and there we have some connecting links, from which to form our own conclusions.

This, too, may explain the passage in Bryan's letter to Count Bernstorff of April 22: "That the relations of the two Governments with one another cannot wisely be made a subject of discussion with a third Government, which cannot be fully informed as to the facts, and which cannot be fully cognizant of the reasons for the course pursued."

Will this country be asked to send its sons to shed their blood on the battlefields of France and Belgium for the coalition? And will the day come that will see us sending our ships to the North Sea or the English Channel, to do what the English navy has refused to do? To expose our ships to submarine attacks, so that England may remain the arbitrary

ruler of the waves, and sinister Russia may become the dominating power of Europe?

Are the American people being betrayed? Are they to be delivered hand and foot, boots and saddle, into the hands of England and Russia?

Will the American people and the American Congress demand the truth, or will they submit abjectly like a subject-people to rulers who form alliances without their consent? [90]

Tories At the time of the Declaration of Independence in 1776, not all people living in the Colonies were in accord with the revolutionists. There were a number of men who wished England's control. These men were called "Tories." President Wilson, in his book "History of the American People," describes clearly the attitude of the Tories at that time, and he also tells how later on they entered into a conspiracy, which had for its object the secession of the New England States from the Union. The descendants of these same Tories, whose ranks have been swelled very largely during the last 140 years from England, are all on the side of England in the present war. The higher-ups among the Tories are members of the Pilgrim's Club, whose principal seat is in Boston, Mass. Two-thirds of the members of this club live in the United States, and one-third lives in England. Immense wealth is owned by these Tories—great savings banks, greater deposit banks, the principal insurance companies, Wall Street, and last, but not least, President Wilson himself. They dictate to and prostitute the majority of the Ameri-



1

2

3

1. Mohammed V, Sultan of Turkey.
2. General Enver Pasha, Minister of War, and Commander-in-Chief of the Turkish Forces.
3. General Liman von Sanders, German Military Adviser to the Turkish General Staff.

[91]

can newspapers, including our two Honolulu dailies—especially the “Pacific Commercial Advertiser.”

I hope not to transgress in relating to you my own experience with the local press. You may draw your own conclusions therefrom. February 8, 1915, there appeared in the “Pacific Commercial Advertiser” a letter signed “Anthony K. Zwadzki.” In this letter Zwadzki accuses the Germans of unspeakable brutalities. [93] Appealing to the editor with the British hyphen, he raved as follows: “What would you do, Mr. Editor, if I were to go to your office and at the point of a gun demand a ransom from you, then go to your home and proceed to insult your mother, wife, daughters or sisters, etc.?”

Atrocity
charges
investigated
by American
journalists

As an answer to this outrageous letter, I wrote as follows: “Highly reputable American journalists have thoroughly investigated the many charges made against the Germans by their bitter and unscrupulous enemies, and have not yet been able to verify one single case of wanton outrage committed against young girls or respectable wives. Stories of ears being lopped off from helpless prisoners, or hands chopped off from innocent babes, were not for a moment given credence by fair-minded and even-balanced people of any nationality. Not a trace of such barbarous outrages was, of course, found—nor ever will be found perpetrated by the warriors (all fathers, brothers and sons themselves) of the contestants in this deplorable war. In the highly disciplined German army, or in the British army, or in any of the armies of all civi-

lized countries, anything like the above would be summarily dealt with; and a firing squad would quickly and relentlessly end the career of any miserable miscreant, who would even suggest such a thing.

“Mr. Zwadzki, was your mother, wife, sister or daughter outraged by Germans? Did you personally see those brutish acts committed? Did you perhaps indulge, a little too [94] much, in the cup that cheers, and are now sorry for your foolish rantings; or are you hysterical and not quite responsible for your writings; or are you (what I am loath to think) really a mischiefmaker, who is striving to sow the seeds of discord in this Isle of Peace? Let me hope, Mr. Zwadzki, that you have only been thoughtless in your utterances, and I will gladly shake hands with you. I sincerely pray that you may become endowed with a better understanding, and that you will assume in the future a more charitable and christian-like attitude, and not add to the already too numerous ‘CRIMES OF THE PEN.’ ”

My letter not appearing in the paper, I made inquiries and was told that it was in some unaccountable manner lost. A copy was promptly sent by me, and, vainly waiting a week for its publication, I demanded an explanation, and was told that the letter would have to be laid over for a few more days for lack of space. A month elapsed, when a business agent of the “Advertiser” called on me to inquire why I had withdrawn my card from the paper. Very frankly, I told him that I would not entertain future business relations with an organ which had slighted me so unwarrantedly. The agent went to

his master, the British-hyphenated editor, for instructions and returned to me the next day with one of the blandest lies ever told. He said that the German Consul had requested the editor not to publish anything from either a German or a German-American.

Lie, the
blandest
ever told

I then tried two other publications and met [95] there also with failure. So much for the fairness of the American press in Honolulu.

While the American press is filled with hysterical Jingoism, the German press has maintained its dignified reserve and its wonderful poise.

The Press

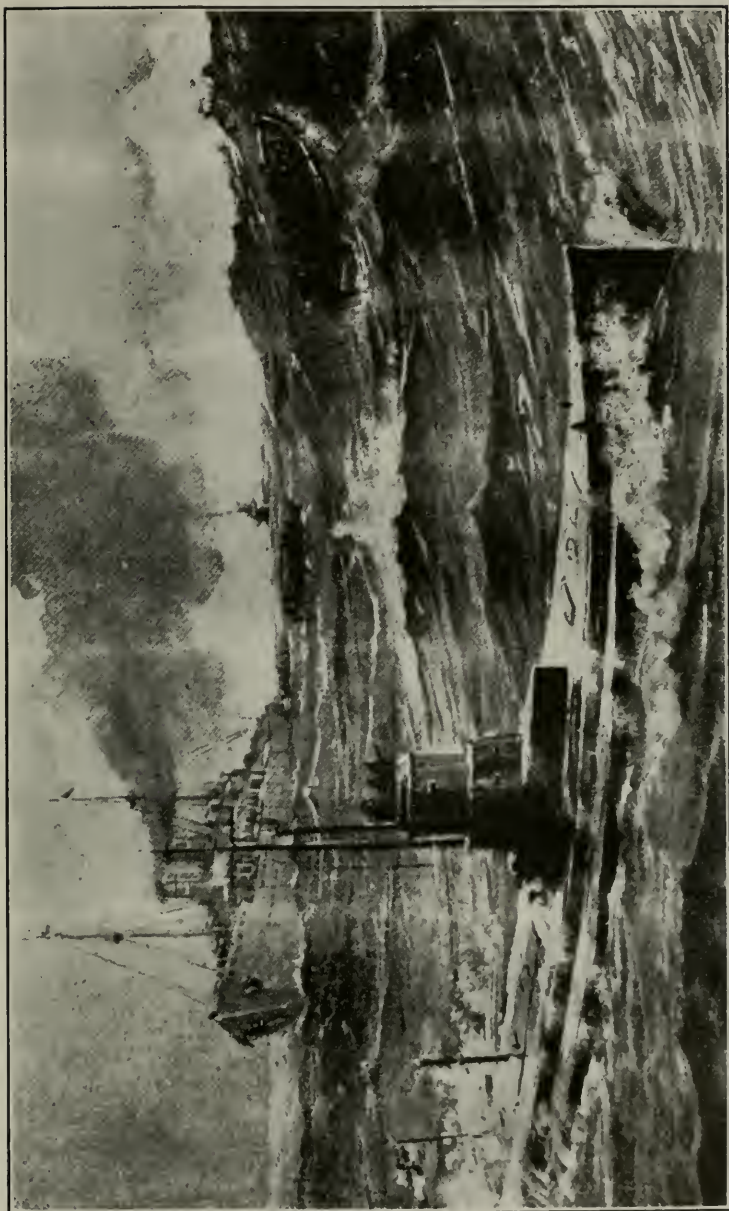
Now to come back to President Wilson and current politics. On March 3 and March 9, two resolutions were introduced into Congress, which provided that American citizens should be warned not to travel on ships belonging to England and her Allies. As a precedent, reference was made to the Russian-Japanese War, at the commencement of which, Britain promptly issued manifestos, warning her subjects that they would travel on the ships of the belligerents at their own risk. The following official order was issued by the British Consul at Shanghai, China: "All subjects

Warning
Americans
Not to Travel
on English
Vessels

Warning
British not
to travel on
belligerent
ships during
Russo-
Japanese
War

of the Crown are notified that the British Government will not undertake to be responsible for the safety of any of the British subjects leaving this port on a ship of either of the belligerent nations." The

President at first invited full and free discussion of the matter, but quickly changed his mind.



German Submarine After Torpedoing Two British Ammunition Carriers. [1917]

THE HYMN OF THE LUSITANIA

(Translated from the German by Edith Wharton.)

The swift sea sucks her death shriek under
As the great ship reels and laps, asunder;
Crammed taffrail-high with her murderous freight
Like a straw on the tide she whirls to her fate.
A warship, she, though she lacked its coat,
And lustful for lives as none afloat.
A warship, and one of the foe's best workers,
Not penned with her rusting harbor shirkers.
Now the Flanders guns lack their daily bread,
And shipper and buyer are sick with dread;
For neutral as Uncle Sam may be,
Your surest neutral's the deep, green sea.
Just one ship sunk with lives and shell
And thousands of German graycoats—well!
And for each of her graycoats, German hate
Would have sunk ten ships with all their freight.
Yea, ten such ships are a paltry fine,
For one good life in our fighting line.
Let England ponder the crimson text:
“Torpedo, strike and hurrah for the next!” [98]

By trickery and gag-rule, only very little discussion was allowed and the bills were killed. From gleanings of what was done in Congress, from exchange of letters between the President and Senator Stone, and from public documents, the following stands out clearly: That there are coming to the United States, English, French, and Italian steamers, armed with four-inch and six-inch guns, and that these guns are served by first-class naval gunners. These steamers carry arms and ammunition to Europe, and also such passengers as wish to go. But besides the ordinary passengers who pay their fare, such steamers hire two or three Americans, who, for high remuneration, travel on the ships as protectors and guardian angels—and it is now these guardian angels that practically all the present excitement is about.

Let us now go back to November 6, 1915. ^{Armed} The Department of State then discussed ^{Merchantmen} what “armed for defense” might mean, and thereupon sent out on January 18, 1916, a note to all Powers in which note it said that it seriously considered instructing its officials to treat such steamers as auxiliary cruisers. Thereupon the German government on February 8, 1916, gave notice that its submarines would attack and sink, without warning, all armed steamers, wherever encountered.

Quickly and effectively the Tories, the munition manufacturers and the British Ambassador went to work, then presto change, President Wilson flopped round entirely.

For a submarine to give warning to any armed ship would be suicidal, and being unable to know the

innocent from the guilty, she cannot therefore run the risk of immediate destruction. For this reason alone, the United States should treat armed ships for what they really are—auxiliary cruisers.

The I will now touch very briefly the Lusitania case. Who are those guilty of this terrible calamity? First, the shipowners, who knew that their vessel was laden to the decks with arms [99] and ammunition, and who knew that submarines would lay for her. Next, the United States government, which did not take prompt action to prevent anyone from sailing on this doomed ship; and finally, the reckless passengers themselves, who disregarded the often repeated and earnest warnings, not only published by the German authorities, but also sent by the German authorities to each of these passengers individually. War is no funny business, and a warning given at such a time should not be trifled with.

The passenger list of the "Rotterdam," a Holland-American liner, showed on one of her recent trips, how 75 per cent of her first-class passengers were English subjects bound for New York and Canada. Why did they travel on a boat belonging to a neutral nation? Why should it be safe for Americans to travel on British boats, when the British, knowing it to be dangerous, very sensibly travel on other boats? If it is safe for Americans to travel on British boats, why not for British?

Submarines Now place yourself in the position of a commander of a submarine who sights a ship, which he knows carries 5000 cases of munition on board, amounting to several million rounds of

cartridges. These cartridges are to be delivered to the enemies of your country, so that they may kill and maim tens of thousands of your kith and kin, perhaps your brothers or uncles or sons or father. I ask you in the name of common sense, would you for a moment consider the fifteen hundred strangers on that ship? Would you let that ship go, even should you not have received orders from your superiors? [100] I know that you, like myself, would not hesitate a moment to take recourse to that greatest of all laws—the law of self-preservation.

In his recent address to the Reichstag, Chancellor von Bethmann-Hollweg said on the submarine question as follows: “No fair-minded neutral, no matter whether he favors us or not, can doubt our right to defend ourselves against this war of starvation, which is contrary to international laws. No one has a right to ask us to permit our arms of defense to be wrested from our hands. We use them, and must use them. We respect legitimate rights of neutral trade and commerce, but we have a duty to perform; and this duty is our right—to use all means against this policy of starvation, which is a jeering insult not only to all laws of nations, but also to the plainest duties of humanity. We fight for our existence and for our future. For Germany and not for territory in a foreign country, are Germany’s sons bleeding and dying on the battlefields. Every one among us knows this, and, knowing it, our hearts and nerves are made stronger than ever before. This moral force gives us the determination not only to weather the

storm, but also to achieve final and complete victory.”

Airships

But why make all this fuss about the submarine and overlook the other new and terrible weapon of modern warfare—the military airship with its death-and-destruction-dealing bombs and other missiles so often rained upon non-combatants in open towns and hamlets? If you have not studied this out, I will tell you! Because the airships of the Allies can [101] hold their own very fairly against those of the Teutons, but the German submarine is infinitely superior to theirs—that’s why the hyphenated Britishers squeal; that’s why the pro-British President of the United States squeals, and that’s why the descendents of the Tories squeal.

Day of
Prayer for
Peace

While shortly after the declaration of war a day of prayer was set apart in our United States to invoke the Almighty to bring about a speedy peace, the Tories and munition makers increased their ungodly trade in murderous agents, so that they put out and are selling at the present date about one million dollars worth of munitions of war every day, including Sundays. Quite true, that the inconsistency in principle exists, that a neutral government may not furnish ships of war to the belligerents, but may allow its subjects to furnish guns and ammunition, which give to vessels their formidable character as ships of war. The permission to its subjects of furnishing arms and ammunition to belligerents is the *right* of neutral governments, not the *duty* of neutral governments to the belligerents. Neutrals may furnish or may not permit, as they choose.

ALMOST HALF A BILLION DOLLARS.

Export of Ammunition This is the value of exports of ammunition, explosives and firearms shipped from the United States in the 21 months of the European war from August 1, 1914, to April 30, 1916. And the war is still going on.

Figures compiled by the *Iron Age*, and reprinted by the *New York Journal of Commerce* [102] show the various items comprising this huge figure to be divided as follows:

Cartridges, \$44,271,750; gunpowder, \$127,767,170; other explosives \$195,649,764; firearms \$22,473,934; and unloaded shrapnel and shells (estimated) \$100,000,000. The astonishing growth of this branch of our export trade, due to the war, exclusive of unloaded shrapnel and shells, has arisen from less than \$300,000 per month to approximately \$58,000,000 per month.

“The aggregate of exports of ammunition, explosives and firearms,” continues the article, “is \$390,162,618, of which \$188,475,063, or nearly one-half, was shipped in the first four months of the current calendar year.

Germany's attitude during Spanish-American War regarding exportation of arms and ammunition. During the Spanish-American War the German government took particular pains to prevent the shipping of arms and ammunition to Cuba. In those days there was no wireless telegraphy. A steamer, laden with arms and ammunition had sailed from Hamburg. The German government immediately after the declaration of war, sent faster steamers after her and, overtaking her almost within sight of



Czar Ferdinand I, of Bulgaria. [103]

Cuba, brought her back to her home port. This is fully described by the Secretary of Commerce and Labor during President Taft's administration, and by the Hon. Andrew D. White, then United States Ambassador to Germany, in his autobiography, (1905) volume 2, page 167.

There is some curiosity as to the basis of the recent statement made by the Secretary of Commerce to the effect that our current shipments [105] of war material constitute but 10 per cent of our exports. As a matter of fact, our exports of ammunition, explosives and firearms alone have amounted to about 15 per cent of our total shipments of merchandise of all classes, and when to this total are added such of our exports of iron and steel, automobiles, saddlery, harness, boots, shoes, clothing and food products as are strictly classified as war material, the absurdity of the secretary's statement is clearly apparent.

Why did we not immediately, after the outbreak of the war, place an embargo on the shipping of arms and ammunition to the European nations, and treat those belligerents as we are treating the warring factions of Mexico. §

Embargo on
Export of
Ammunition

Chas. R. Bryson, president of the Electro-Steel Co. of Pittsburg, Pa., says:

“We believe that the time is at hand when any individual who accepts a contract to further add to the horrible slaughter now going on in Europe, will do so to his own everlasting disgrace.”

§ Intervention in Mexico would have taken place long ago, if that could have been done without stopping the sale of ammunition, arms and other supplies of war to the Allies for their use against the Central Powers.

Mr. Bryson is right not only from the point of view of highest humanitarianism, but from every other point of view, practical, moral and legal.

But, what is our Government doing?

People's
Money, with-
out their
Consent
Loaned to
the Allies

It permits and encourages American "Angels" to guard and conduct safely across the ocean to England many, many steamers laden with ammunition, destined to kill citizen-soldiers of [106] Germany. It also sees to it, that England and Russia receive all this ammunition without paying their own money for it at present. It permits, in clear violation of President Wilson's neutrality proclamation, that immensely large sums of American people's money are being lent to England and Russia. The people, whose money is thus being lent, are not asked for their consent. This is money placed by people into deposit banks, trust companies, life insurance companies and savings banks, whose directors invest their depositors' money in the war loans of the Allies, without consulting their depositors.

And, what is our Government, anyhow?

Autocratic
Ruler of
U. S. A.

Is it a government of the people and by the people for the people? Nothing of the kind! The people send monster petitions to the President and Congress, march in monster parades and hold monster mass-meetings, requesting embargo on ammunition, but not the slightest attention is paid to all this by His Majesty President Woodrow Wilson, who acts as if he were the autocratic ruler of the U. S. A., and not like what he really is, the first servant of a sovereign people. Of

Petitions
Disregarded

what use are petitions and demonstrations? We might as well petition a fence post!

Before the war, Germany was one of the best customers of the United States. She purchased annually about 170 million dollars worth of cotton, 75 millions of copper, 60 millions of wheat, 40 millions of animal fats, 20 millions of mineral oils, and in all about 430 millions of dollars of American products, while we [107] bought from Germany merchandise to the extent of 180 million of dollars.

Germany
Good Customer of
U. S. A.

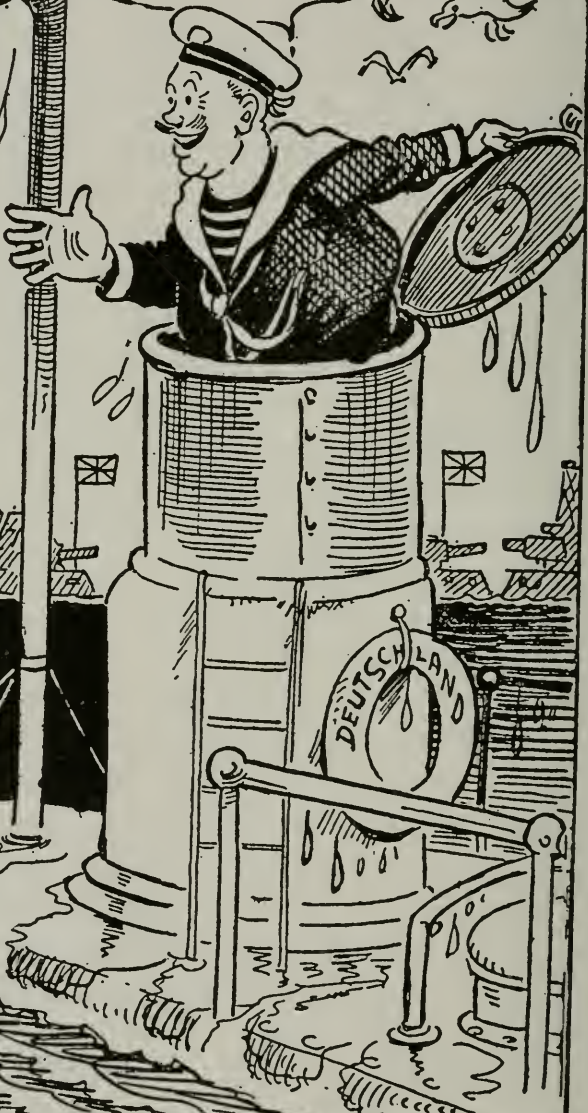
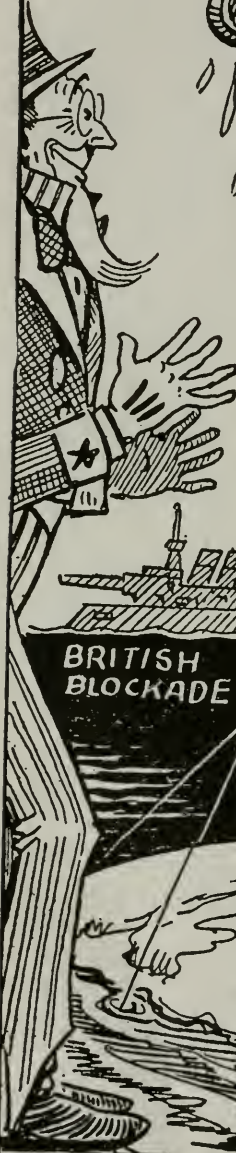
It will bring no permanent gain to this country to furnish the means for killing and maiming the men, and destroying the property of Europe, thus lessening and crippling our legitimate trade with Europe in times of peace. It will not secure victory for Britain and her Allies, nor enable them to shorten the war. I believe that there is no combination of powers, on the face of the earth, sufficient to crush the German Empire.

Regarding the arrival of the German submersible, little need be said here, as every man, woman and child, not only in the United States but all over the world, has already read or heard of this greatest achievement of German ingenuity. I give here but the text of a statement issued by her intrepid commander, Capt. Paul Koenig:

Submersible
"Deutsch-
land"

"The submarine 'Deutschland,' which I have the honor to command, is the first of several submarines built to order of the Deutsche Ozean-Rhederei, in Bremen. She will be followed by the 'Bremen' shortly.

DEUTSCHLAND
UNTER
ALLES



BRITISH
BLOCKADE

NEWPORT
NEWS

“We have brought a most valuable cargo of dye-stuffs to our American friends—dyestuffs which have been so much needed for more than six months in America, and which the ruler of the sea has not allowed the great American Republic to import. While England will not allow anybody the same right on the ocean, because she rules the waves, we have by means of this submarine commenced to break this rule.

“Our boats will carry across the Atlantic the [108] mails and save them from British interruption.

“We trust the old friendly relationship with the United States, going back to the days of Washington, when it was Prussia that was the first to help America in its fight for freedom from British rule, will awaken afresh in your beautiful and powerful country.

“The house flag of the Deutsche Ozean-Rhederei is the old Bremen flag—red and white stripes, with the coat of arms of the town, and the key in the corner. The key is the sign that we have unlocked the gates which Britain tried to close against us and the trade of the world. The gates which we opened with the key will not be shut again. Open door to the trade of the world and freedom of the oceans and equal rights to all nations on the ocean will be guaranteed by Germany’s victory in this struggle for her existence.”

No sooner than recovered from their chagrin, caused by the trip of the “Deutschland” with her valuable cargo from Germany to America, thereby giving the world a practical demonstration of the

futility of their blockade, England and her allies pro-
 claimed a boycott against all American
 firms, who had business relations with the
 agents of that pioneer submarine trader.

And this unparalleled effrontery has at last
 aroused the ire of Uncle Sam and has brought forcibly
 before him the peril of an all dominant Eng-
 land.

It is stated that somebody asked the intrepid cap-
 tain of the blockade runner what his trip had taught
 him about the British blockade. Laughingly [111]
 he replied: "There isn't any blockade. We've proved
 it."

"Lest we forget," and in order to draw your atten-
 tion again to the venomous utterances of American
 newspaper editors, I present you with two samples of
 their press notices. These uncalled for remarks
 were published in the "Boston Transcript," and re-
 printed in the "Honolulu Star-Bulletin."

"The conferring of a pearl-studded medal
 upon Captain Koenig by Mayor Curley will
 resound through the pages of history as the most
 gracious act since the Kaiser decorated the murderer
 of the unavenged Americans who went to their death
 on the Lusitania."

"Boston is now threatened with a visit from the
 German submarine Bremen, though no one knows
 exactly where this peaceful merchantman will make
 its landfall. If it comes here, there will be enough
 people among us, undoubtedly, to lionize its officers
 and men, though others would prefer to see, and to
 welcome in a somewhat different way, the submarine
 which destroyed the Lusitania. It is evident that

the German government is tending to continue the pleasing performance of sending these wolves of the sea in sheep's clothing to our shores for the purpose of keeping our government tangled up and sowing the seeds of discord."

Let us now analyze and dissect the American clergy, who proclaim so loudly and continuously that they are ordained, privileged and called by God to preach the mission of [112] goodwill and love and moral righteousness.

American
Clergy

Christian ministers of America have, most signally, failed to play the part of moral leadership. Why did they not raise their voices against the manufacture of things that kill, and are sold to men bent on killing? Why have they not called upon the President, the people, and especially on the greedy few who profit by their revolting traffic, and summoned them in the name of God, the Creator and Father of all men, that they return to Him with clean hands and hearts?

In the first year of the war, one-quarter of the ammunition used by the Allies was of American manufacture, and the German losses for that period are rated at 100,000 men per month or one million two hundred thousand men killed or wounded in that year. Three hundred thousand fine German boys and men killed or maimed by American bullets and shells! Think of this and cease howling about 150 American citizens killed by a German submarine, each one of which citizens had been emphatically warned of his impending danger.

German
Soldiers
Killed by
American
Bullets

The ghosts of those hundreds of thousands, whom our shrapnel has slain, will march for many a day through our land. When will this, our shame, come to an end? American soldiers killed in Mexico receive little attention in the press and their deaths remain unavenged.

American
Soldiers
Unavenged

Reminding you at last of the fact that the American Republic was born out of the tyranny of England, and that Germany is now fighting the same tyrannical foe which Washington [113] and his compatriots fought so successfully in 1775 and in 1812, I venture to make the prophecy, that in spite of President Wilson, in spite of Secretary Lansing, in spite of other friends of England in the Department of State, Germany will finally find a weak link in the chain of steel which enthralls her, and will bring England and her Allies to their knees!

Prophecy

The great result of the German victory will be "THE FREEDOM OF THE SEAS" TO ALL WHO TRAVERSE THE SEAS.

(Addendum follows on next page.)

ADDENDUM,

Pointing out the moral to this review.

“Whatsoever ye would that men should do unto you, do ye even so unto them.”

On the streets, in our offices, at the various places of amusement, on the cars, in the trains; in fact, wherever people meet and exchange opinions, we hear words spoken which express a desire or a hope that the dreadful European war may come to a speedy termination; provided, however, that Germany be humbled to the dust before that happy event takes place. In our homes, at tea parties, even at church, devout Christian ladies lift up their eyes piously to heaven and implore the Lord to send the dove of peace to stricken Europe—as soon as the Kaiser is put out of harm’s way. But why do these otherwise good and sane people speak thus with a proviso attached to their prayers? Why is there a string to their peace desires? The answer to this you will find in the pages of our mischief-making press, which has for almost two years diligently sown countless seeds of suspicion, meanness, restlessness, distrust, and spite in the hearts of millions of our best citizens.

Can you really blame a German or German-American, embittered by the constant insults to which he is subjected daily, if he also piously invokes peace with a proviso, and prays: “Heavenly Father, send us peace, but not before [115] Germany has

twisted the tail of the British Lion, until his roars of agony will penetrate to the very depths of Hades; not before the Russian Bear has received such a clubbing, that he will be glad to get away and make tracks for the North Pole; not before the vile bunch of Italian Marcaronis has been dumped into the crater of Vesuvius, together with their worthy offshoot, the contemptible little Rumanian Spaghetti."

Do you, dear reader, realize that there are two sides to this momentous question, as well as to all other questions? Do you realize at all how the other fellow feels, when he or his are constantly belittled, railed at, and insulted? If you do, just open your hearts again to your former friends, close your eyes when you see the flaring headlines of our yellow journals, and plug your ears when hateful utterances are made.

If I have succeeded in making it clear that we of German blood have, just like yourselves, hearts, minds, and souls, and can love, feel, think, and pray, my aim has been attained. Then you will be able to glean from this little volume a salutary lesson. The result will be that mutual respect for one another will soon supplant bitterness and fraternal strife.

Why should we members of the same communities, workers in the same fields, reapers of the same harvests, bear ill-will, when the actual combatants in the trenches exhibit an entirely different and a far nobler attitude? Their sentiment is aptly worded in Bruno Frank's [116] beautiful poem, "In the Trenches." A translation from the German reads as follows:

Where men stand closest to their fate,
Prepared for every sudden chance
And fronting death with level glance,
There is no scorn nor hate.

Not hate but destiny demands
The death-toll; and the men who slay
Each other blamelessly today,
Tomorrow may clasp hands.

END OF PART I. [117]

TO THE MEN OF THE 'DEUTSCHLAND'

.(Written for "The Irish World.")

By Joanna Boinsen.

Men of valor, strong and fearless,
Men of action, bold and free
All the world acclaim's you peerless
Sailors of the under-sea.

Speeding in your U-Boat wonder,
Tossed by mighty waves on high;
In a moment diving under
When the enemy draws nigh.

Underneath the ocean gliding
Like a creature of the deep,
Where the foe's proud dreadnaughts riding
Watchfully their vigil keep.

Miracle of German science,
Triumph of efficiency.
Genius, courage, firm reliance
Wrought this marvel of the sea.

Gallant Captain, gallant seamen,
Noble band of engineers,
Brave, unconquerable freemen,
Blue-eyed sons of Northern spheres.

Mariners of dauntless daring
Born to rule and to command,
Men of spirit undespairing,
Scions of a hero land.

We salute you, we applaud you,
Every heart thrills at your name,
Friends and foes unite to laud you
For the deed that won you fame.

Washington, D. C. [118]

PART II

STATISTICS

COUNTRIES IN CONFLICT

Territory of Allied Powers,
31,332,000 square miles.

Territory of Central Powers,
1,245,000 square miles.

Superiority of Allies over Central Powers in
area more than 25 to 1.

PEOPLE IN CONFLICT

Population of territory of Allied Powers,
846,000,000.

Population of territory of Central Powers,
177,000,000.

Superiority of Allies over Central Powers in
population nearly 5 to 1.

THE NATIONS AT WAR

The Entente Allies

Britain

France

Russia

Italy

San Marino

Japan

Belgium

Serbia

Montenegro

Portugal

Rumania

The Central Powers

Germany

Austria-Hungary

Bulgaria

Turkey [119]

THE WAR OF RACES

The chief races taking part in the Great War are:

Afridis	Kurds
Albanians	Lithuanians
Algerians	Magyars
Annamites	Mahrattas
Armenians	Malagasy
Arabs	Maoris
Austrians	Montenegrins
Bantus	Mongols
Belgians	Pathans
Boers	Persians
British	Poles
Bulgars	Portuguese
Circassians	Rumanians
Croatians	Russians
Czechs	Ruthenians
Egyptians	Senegalese
Fins	Serbs
French	Sikhs
Garhwalis	Slovaks
Georgians	Slovenes
Germans	Syrians
Gurkhas	Tartars
Italians	Tonkinese
Japanese	Turks
Jews	West Indians [120]



German Uhlans Beating Back Attacking English and Scotch. [121]

THE DAILY COST

The leading belligerents are now spending money at the following rates per diem:

Britain	\$30,000,000
Germany	22,000,000
France	15,500,000
Russia	16,000,000
Austria	12,000,000
Italy	8,000,000
Turkey	1,500,000
Bulgaria	1,500,000
Belgium	1,500,000
<hr/>	
Total	\$108,000,000

PRISONERS OF WAR

Central Powers claim 2,876,000 prisoners in two years' warfare. [123]

Allies claim 1,421,000 prisoners in two years' warfare.

WAR CHRONICLE (on land)

A brief summary of events within the first two years.

THE CAMPAIGN IN FRANCE AND BELGIUM

August 3, 1914—Germans enter Belgium.

August 7—Germans take Liege.

August 23-25—French defeated at Charleroi and British at Mons.

September 6-10—Germans checked on the Marne.

September 14-28—Germans entrench on the Aisne.

October 9—Germans take Antwerp.

March 10-14, 1915—British attack at Neuve Chapelle without results.

April 22-May 9—Germans attack at Ypres but gain little ground.

May 9-14—French and British attack in Artois but gain no ground.

September 25-27—British attack at Loos and French in Champagne, but gain little ground.

February 21, 1916—Germans begin attack upon Verdun that still continues.

July 1—French and British begin attack on the Somme that still continues.

THE RUSSIAN CAMPAIGN

August 26-31, 1914—Russians defeated at Tannenberg, East Prussia; limit of Russian advance westward into Germany. [124]

May 1, 1915—Russians driven back from Dunajec River, Galicia; limit of Russian advance westward into Austria.

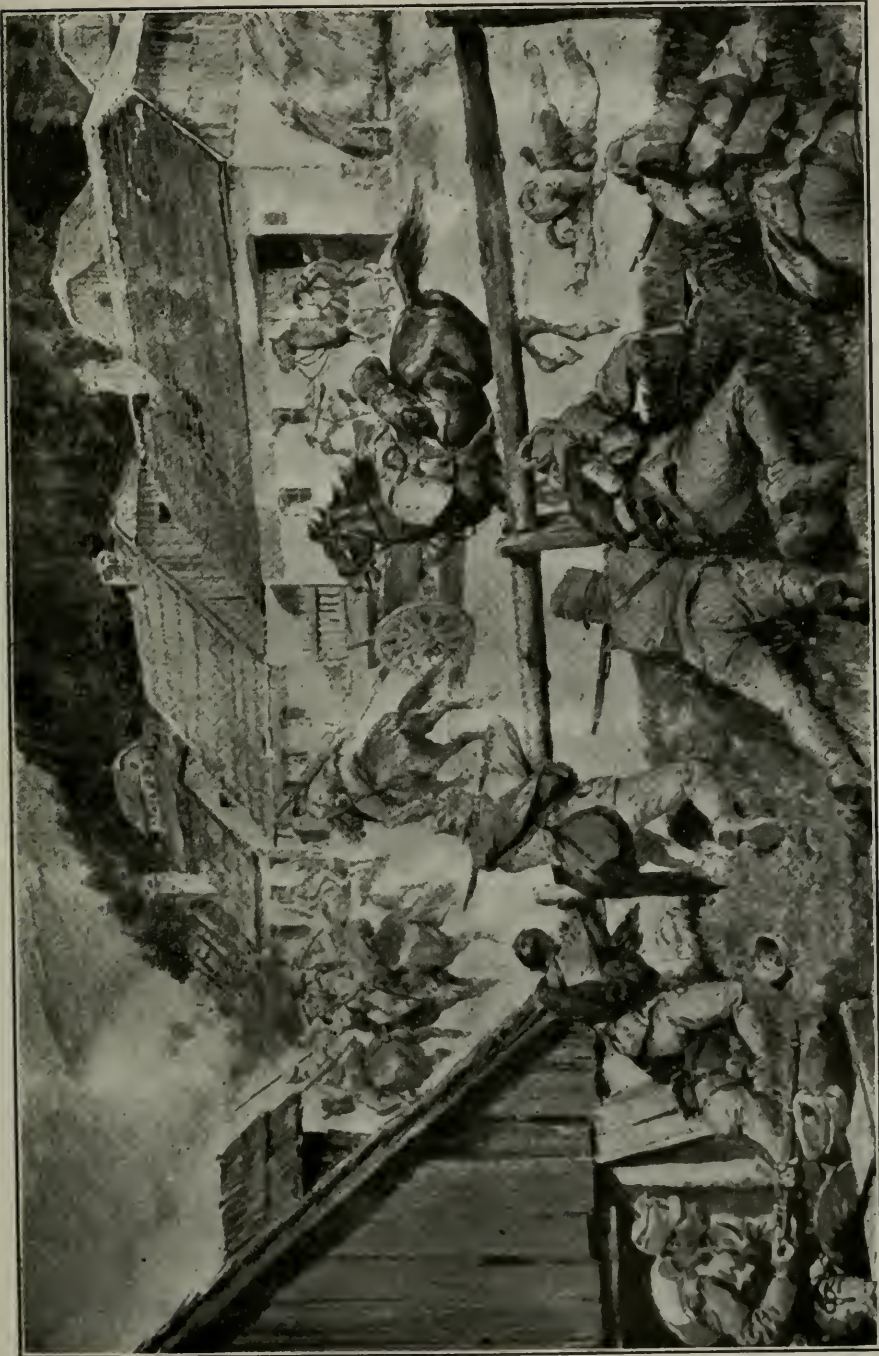
August 5, 1915—Germans take Warsaw, capital of Poland.

September 16-19, 1915—Germans take Pinsk and Vilna; limit of German advance eastward into Russia.

June 1, 1916—Russian drive begins.

June 17, 1916—Russians take Czernovitz, capital of Bukovina.

Since—Russian drive checked.



Hungarian Sharpshooters Drive a Party of Marauding Russians from a Carpathian Village. [125]

THE ITALIAN CAMPAIGN

May 23, 1915—Italy declares war on Austria.

May 15, 1916—Austrians advance from Trentino and drive back Italians.

June 20, 1916—Italians force Austrians back toward Trentino.

Since—Italian advance checked.

THE BALKAN CAMPAIGN

July 28, 1914—Austria declares war upon Serbia.

August 23, 1914—First Austrian invasion repulsed.

December 10, 1914—Second Austrian invasion repulsed.

September 20, 1915—Bulgaria mobilizes.

September 23, 1915—Greece mobilizes.

October 5, 1915—French and British troops land at Salonica. [127]

October 8, 1915—Austrians take Belgrade.

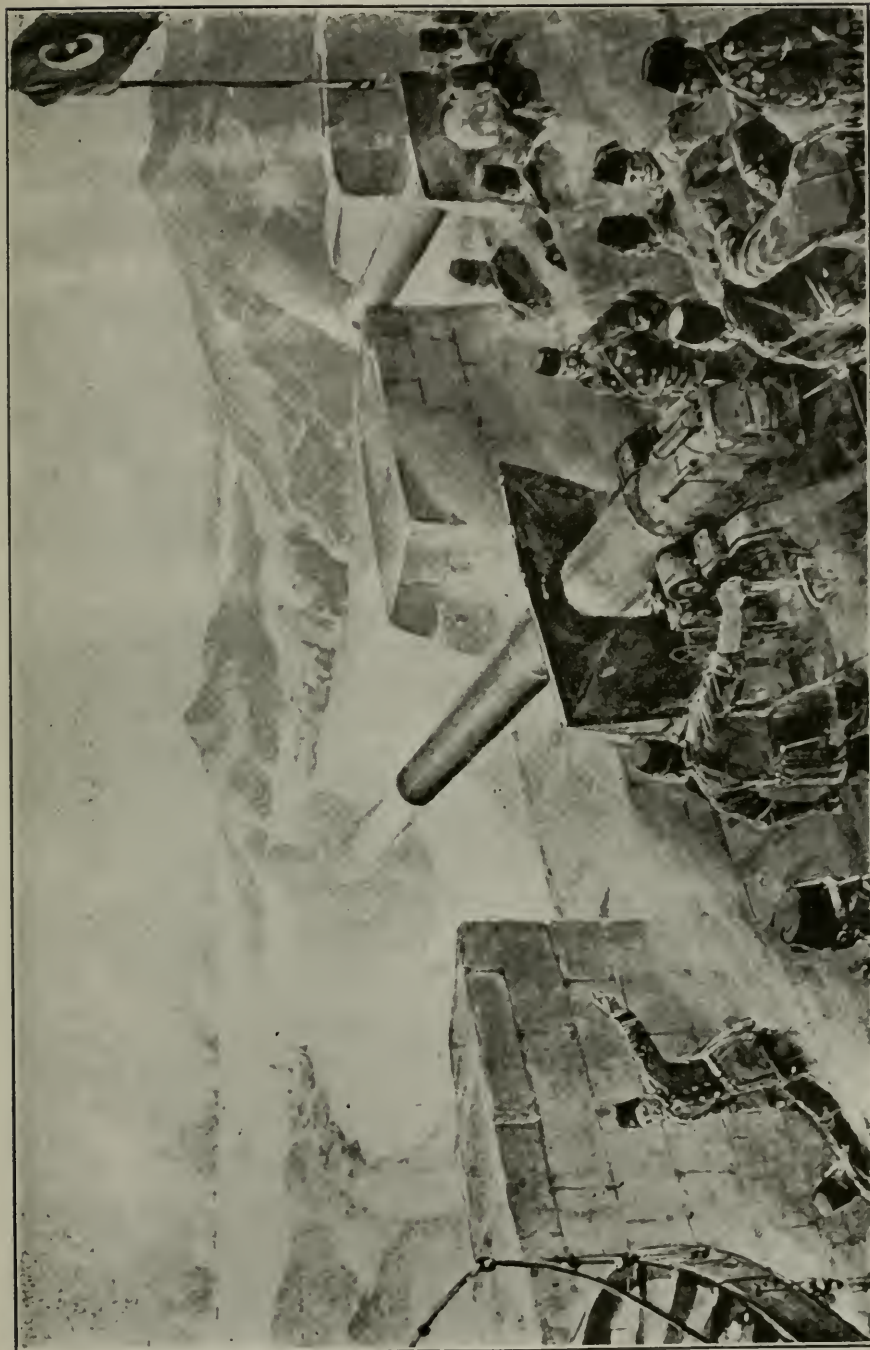
November 5, 1915—Bulgars take Nish.

November 30, 1915—Conquest of Serbia completed.

January 14, 1916—Austrians enter Cetinje, capital of Montenegro.

August 28, 1916—Rumania, selling herself to the highest bidder, enters campaign on the side of the Allies.

September 7, 1916—20,000 Rumanians surrender to Teuton and Bulgarian forces, who capture the great Rumanian fortress Turtukai. Total loss of Rumanians in dead, wounded and captured, 80,000 men.



Krupp Guns, at the Dardanelles, Manned by Turks, Drive Back Combined English and French Fleet,
Sinking a Number of Battleships. [129]

THE DARDANELLES CAMPAIGN

February 19, 1915—British warships shell Turkish forts.

March 18, 1915—Two British battleships, one French battleship, several large armored cruisers, and a number of smaller warships lost in Dardanelles; fleet withdrawn.

April 25, 1915—Australasian troops landed on Gallipoli.

August 6, 1915—Second landing made at Sulva, Gallipoli.

December 19, 1915—Troops withdrawn from Gallipoli.

 THE MESOPOTAMIAN CAMPAIGN

November, 1914—British take Basra, near head of Persian Gulf. [128]

January, 1915—Expedition starts up Tigris.

November 22, 1915—British advance checked at Ctesiphon, 18 miles below Bagdad.

December 3, 1915—British expedition retires to Kut-el-Amara and is there besieged.

April 29, 1916—British expedition surrenders at Kut-el-Amara.

Later—Continued British reverses.

 THE CAUCASIAN CAMPAIGN

February 15, 1916—Russians take Erzerum.

April 18, 1916—Russians take Trebizond.

July 26, 1916—Russians take Erzingan.

August, 1916—Turks drive back Russians on all fronts.

August 7 and 8, 1916—Turks won great victory over Russians, and occupied the fortified towns of Bitles and Mash, thereby seriously menacing both the Russian advance into Armenia, and the position of the Allies in Persia.

BATTLE FRONTS

<i>In Europe</i>	<i>Miles</i>
Western	590
Eastern	785
Italian	300
Balkan	110
In Asia (intermittent)	750
Africa (intermittent)	300
	<hr/>
Total	2,825
	[131]

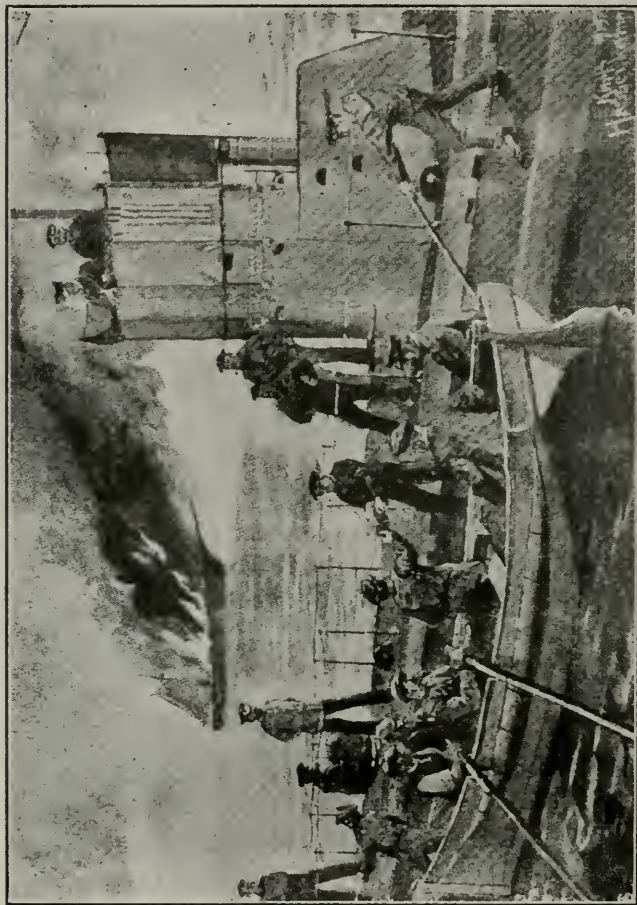
THE WAR ON THE SEAS

August 5, 1914—British fleet, under Beatty, sinks three German cruisers in the Bight of Helgoland.

August 8, 1914—Battle between German mine-layer "Koenigin Louise" and British auxiliary cruiser "Amphion." Both sank.

November 1, 1914—German squadron, under von Spee, defeats British squadron, under Cradock, off Coronel, Chile, sinking the armored cruisers "Good Hope" and "Monmouth."

December 8, 1914—Re-enforced by Japanese, the combined enemy fleets, under the command of Sturdee, destroyed von Spee's little squadron near Falkland Island.



Humanity Shown by German Submarine Sailors (distributing bread to crew of their victim).

January 24, 1915—Battle of Dogger Bank. Germans lose battle-cruiser "Bluecher," the English losing one battle cruiser. Several British torpedo boats were severely damaged. Enemy broke off the fight, in fear of the approaching U boats.

February 7, 1915—Germans declare a war zone around British Isles, in retaliation for blockade established by Allies.

March 11, 1915—British Order-in-Council, in direct violation of all international rules, and against the laws of humanity, establishes cordon control, to shut off all goods (contraband or non-contraband) going to or from Germany.

May 7, 1915—"Lusitania" sunk. [132]

May 4, 1916—Germany agrees not to sink liners without warning.

May 31, 1916—Greatest naval battle of history fought off Jutland. The German Navy gained a decided advantage over the numerically vastly superior British sea forces, and thereby destroys England's much vaunted naval prestige.

June 5, 1916—England renounces the "Declaration of London." [135]

THE SUBMARINE IN THE EUROPEAN WAR
August 9, 1914—British cruiser “Birmingham” sank
German Submarine U-15.

September 6, 1914—German submarine sank the
British cruiser “Pathfinder.”

September 22, 1914—U-9, Captain Weddigen com-
manding, sank the three large armored British
cruisers “Cressy,” “Hogue” and “Aboukir”
(each of 12,000 tons).

Somewhat later—German U boats sank the protected
British cruisers “Hawke” and “Hermes,” and
the British gunboat “Niger.”

November, 1914—British submarine sank the Ger-
man light cruiser “Hela.”

January 1, 1915—German submarine sank British
battleship “Formidable” (15,000 tons).

February 19, 1915—German submarine, in the Chan-
nel, sank English transport with 2000 men on
board.

February 22, 1915—German U boat sank English
transport No. 192.

February 24, 1915—Near Beachy Head, U boat or
mine destroyed English transport; loss 1800
lives.

Early in 1915—Two British submarines were de-
stroyed, while the Germans lost the U-18, which
was rammed by a British patrol vessel, and an-
other U boat, which was sunk by gunfire.

March 11, 1915—English auxiliary cruiser “Bay-
amo” sunk by U boat or mine. [136]



Destruction of British Cruiser "Hampshire," which carried
Lord Kitchener to his watery grave. [137]

May 4, 1915—English submarine sunk by German seaplane.

The only feat worth mentioning of British submarine warfare is that of the B-11, which passed under five rows of mines in the Dardanelles, and sank the old type Turkish battleship "Messudieh."

Austrian submarines, like the German, proved vastly superior to those of Britain and her Allies.

[139]

GERMAN SEA-ROVERS

Many of the light German cruisers and converted merchant vessels pursued a very successful career of commerce destroying. The most spectacular was that of the "Emden," Captain von Mueller commanding. She started on her career September 10, 1914, in the Bay of Bengal, and was for two months the terror of the Indian Ocean, though closely pursued all the time by numerous English, Australian, Russian, French and Japanese warships of every description. She destroyed ten million dollars' worth of shipping; entered the port of Penang in disguise in broad daylight, sank a light Russian cruiser of nearly her own size and a French destroyer, and escaped practically unscathed; wrecked several signal stations and supply depots, and was finally driven ashore and shot to pieces by the large cruiser "Sydney" of the Australian colonial forces.

The second in command of the "Emden," Lieutenant von Muecke, who was left behind on Cocos Island with a handful of men, seized the schooner "Ayesha," and after an eight weeks' adventurous cruise, landed at Hodeida, Arabia. Here commenced their perilous journey, which defies description. Losing over half of their men in encounters with hostile Arabs, the remainder of that gallant band finally arrived, utterly exhausted, at Constantinople.

The "Koenigsberg," "Karlsruhe" and "Dresden" had somewhat similar careers, which will be inscribed with large letters in the "Glory Pages" of history.

The "Moeve" alone, after a splendid record, and breaking the English blockade twice, bears the distinction of being the only one of the German commerce destroyers to get back into home waters safely, arriving March 15, 1916.

It was the "Moeve" that captured the British steamer "Appan," which arrived with a prize crew on board, February 1, 1916, at Hampton Roads, having safely traversed the Atlantic Ocean.

Space does not permit me to go into further details about the daring deeds of the heroic men of these small, but swift German cruisers, which roamed the oceans, demoralizing the commerce of her enemies. Singly, their commanders would select their field of operations, knowing well that, hounded by the powerful fleets of the various opposing nations, they would, sooner or later, have to face certain destruction. The daring deeds of the gallant sailors and gentlemanly officers of these ships will forever adorn the annals of history. They will stand out boldly in contrast with those of the British, who, in cold blood, brutally murdered the crew of a sunken submarine ("Baralong" atrocity) †, who, in defiance of [141]

†According to testimony given, the submarine fired at the "Nicosian," when the "Baralong" appeared displaying the American flag, and sunk the German submarine. When the captain and four men of the submarine attempted to climb aboard the "Nicosian" they were killed while battling in the water for their lives.

The affidavits were signed by James G. Curran, Chicago; Edward Clark, Detroit; B. Emerson Palen, New York, and Chas. D. Hightower, and R. H. Crosby of Crystal City, Texas. They declare that the incident occurred forty miles from Lundy on August 19th, while the "Nicosian" was on her way to Liverpool. (Similar reports have been given by an American veterinary surgeon who had been aboard the "Nicosian" at that time.)

AND, with this evidence confronting them, the English, since they have come in conflict with the Teutons, and have been humiliated by them, still have the colossal effrontery to call the Germans, who are

international law, entered a neutral (Chilean) port and there destroyed the crippled and helpless little "Dresden," who sank in neutral Spanish waters, the auxiliary cruiser "Kaiser Wilhelm der Grosse," who sank the Lloyd steamer "Gneisenau" in the harbor of Antwerp, and who foully murdered Captain Weddigen (of the U-9) and his brave men.

recognized to stand on the very highest pinnacle of civilization—**Barbarians.**

The English, before the war, would grudgingly admit that their German kinsmen made good soldiers, but would look with haughty contempt upon the German sailor lads.

During the present conflict, the gallant German "Blue Jackets" have shown their mettle. They have demonstrated to the world that they are not only equal, but superior to the former alleged "Lords of the Seas."

After the war is over, and the ghastly wounds are healed, British sailor boys, in calm blood, will recognize this fact, and will treat with respect those who they were apt to look upon with disdain, before they met them in deadly conflict.

Not only British tars or those of the Allies, but the whole world will not fail to give to the German sailors unstinted and well-merited praise for their unparalleled bravery, skill, chivalry, deeds of daring, and sportsmanlike conduct.

END OF PART II. [142]

INDEX OF CONTENTS

(Alphabetically arranged)

	Page
A	
Addendum, pointing out the moral.....	115
Airships	101
American clergy	112
American soldiers unavenged	113
Armed merchantmen	99
Atrocity charges investigated by American journalists	94
Autocratic ruler of the U. S. A.....	107
B	
“Baralong” atrocity	141
Barbarians	60
Battle Fronts	131
Belgium	39
Bismarck	66
Boer war	84
Boycott against American firms.....	111
Boycott against Teutonic Powers	35
Bulgaria	75
C	
Cause of the war	27
D	
Day of prayer for peace	102
Documents show that Belgium was not neutral..	46
Doings of German army.....	72
Doings of German navy.....	71

	Page
“Dresden,” defenseless and in neutral waters, destroyed in a most cowardly manner by British pirates	142

E

Edward VII, Fallieres and the Czar.....	40
Egypt	52
Eliot, Prof. Chas. W., of Harvard University..	89
Embargo on exportation of ammunition.....	106
“Emden,” The	135
England	54
England posing as protector of small nations..	47
England to the rescue of small nations.....	75
England to retain her supremacy at sea, and to destroy commercial rival	28
English dictation to United States of America..	88
Entente	69
Export of ammunition	102
Extracts from reviews and letters.....	7

F

Foreword to first edition	5
Foreword to second edition	6
France	27
Franco-German War, 1870	66

G

Germany	27, 54
German army	42
German railways	57
German railway to Bagdad.....	64
German soldiers killed by American bullets....	113

	Page
German sea rovers	140
Germany good customer of U. S. A.....	107
Germany's attitude during Spanish-American War regarding exportation of arms and am- munition	105
"Geier" sailors	60
George Bernard Shaw	35
Greece	53, 75
H	
Humane England	77
Hyphenated citizens	22
I	
Ice-free port for Russia	65
India	52
Ireland	47
Irish revolution, 1916	78
J	
Japan	33
L	
Letter to Chile	28
Lie, the blandest ever told	95
List of Illustrations	4
"Lusitania," The	99
M	
Mammonism	41
Militarism	27, 41
N	
Newspaper headlines	60

O

Our next President	83
--------------------------	----

P

“Pacific Commercial Advertiser”	93
People’s money, without their consent loaned to the Allies	106
Peru	53
Petitions disregarded	107
Portugal	75
Present war, attack of England on Germany...	65
President Jefferson	82
President Washington	82
President Wilson	82
President Wilson’s neutrality	76
Press editors	24, 112
Press, The	96
Profit of railways, etc.	57
Prophecy	113
Prussianism	40

R

Roosevelt	23, 89
Rumania	75
Russia	27
Russian musicians	30

S

Scotland	53
Secret diplomacy and secret understandings...	84
Sir Roger Casement	78
South Africa	53
Spoils for the thieves	70

	Page
Statistics	119
Struggle commenced	70
Submarines	100
Submarine doings in the European war.....	136
Submersible "Deutschland"	108

T

Tories	93
--------------	----

U

United Germany (Empire).....	66
United States overawed by English navy.....	36
Usher, Prof. G., of Washington University....	88

V

Verses	See Poems
--------------	-----------

W

War chronicle (a brief summary of the first two years)	124
War on the seas	132
Warning Americans not to travel on English vessels	96
Warning British not to travel on belligerent ships, during Russo-Japanese war.....	96

FOOTNOTES

* War, how declared by Germany.....	28
† Partisans of Allies do not reason, but are car- ried away by their emotions.....	53
‡ Duration of the war.....	87
§ Intervention in Mexico	106
¶ Murder of captain and crew of German sub- marine by the British	141-142

**Defendant's Exhibit "A"—Excerpt from Honolulu
"Star-Bulletin."**

EQUITY #10.

Filed Jany. 6, 1919. A. E. Harris, Clerk. By
(Sgd.) Wm. L. Rosa, Deputy Clerk.

HONOLULU STAR-BULLETIN. 3:30 Edition.

Honolulu, Territory of Hawaii,

Wednesday, August 11, 1915.

**"HONOLULU MAN'S PEACE PLAN
BROACHED TO MANY NATIONS.**

**DR. SCHURMANN WRITES TO BELLIGER-
ENTS AND NEUTRALS; ANSWERS MAKE
HIM CONFIDENT OF CREATING IMPRES-
SION; EXPECTS TO BE CALLED TO
WASHINGTON TO DISCUSS PROPOSAL.**

To be the author of peace plans which are intended to bring about the end of the great European war and which are now under consideration by the President of the United States, the rulers of five other neutral countries, and by rulers of some of the belligerent nations, is the unique distinction that has come to a citizen of Honolulu.

Dr. F. H. Schurmann of the Schurmann Institute of Nature Cure and Osteopathy, is the author of the plans, and at the present moment he is expecting daily to receive a call from President Wilson to come to Washington for a further discussion of them.

Dr. Schurmann is a native of Essen, Germany. His story reads like a chapter from a book of fiction.

Several weeks previous to the outbreak of the war

the doctor suffered an attack of diphtheria, which being considered by attending physicians as a mere sore throat, was not taken in hand for treatment until several days had passed. The doctor was at last obliged to go up to Tantalus for a prolonged rest and here on the mountain a complete cure was thought to have been effected. Accordingly he returned to the city.

“The day I returned to the city,” says Dr. Schurmann, “I learned for the first time that Germany had declared war upon Russia. My first thought was to serve the Fatherland, and accordingly I went to the German consul here and offered my services, which were accepted. Plans were already begun for starting to the front when I suffered a [38] sudden stroke of paralysis and was rendered blind and practically unable to move.”

It was in this condition of paralysis, brought on presumably by the poison from the diphtheria toxins which were already in his blood, that the doctor found himself at the very moment when he was intending to depart in the service of his country.

The result of the paralytic stroke rendered him absolutely helpless for about eight months, but though his body was helpless and his sight was gone, the doctor's mind was still active, and with the excitement of enlistment still upon him, he began a study of peace plans which might bring about a reconciliation between the warring nations.

After several weeks spent upon the subject he finally decided upon conditions which he felt might be considered fair by all the parties at war, and ac-

cordingly, he sent these plans to President Wilson. The letter and plans follow.

“Honolulu, T. H., October 1, 1914.

“His Excellency, Woodrow Wilson, President of the United States of America.

“Dear Sir:

“Whereas grave and unparalleled conditions require radical measures kindly permit me to present to you the following suggestions, which, I hope, may appear to you of some value.

“FOR THE ESTABLISHMENT OF PEACE
BETWEEN WARRING NATIONS.

“1. Restoration of all boundaries of the belligerents.

“2. Restoration of all captured possessions or colonies.

“3. Restoration of all captured or interned vessels, whether merchant or men-of-war.

“4. Incorporation of Belgium and her possessions with France.

“5. Incorporation of the Netherlands and her possessions with Germany. This is inevitable, and it will relieve Germany of her congested shipping conditions.

“6. Protectorate over Portugal and her possessions by Great Britain. [39]

“7. Transferring of German East Africa to Great Britain.

“8. Acknowledgment of full suzerainty of Great Britain over Egypt. This plan and the two before it will give Great Britain her ‘all red’ route from the Cape to Cairo.

“9. Restoration of Port Arthur to Russia by Japan. This will forever cement the new friendship between the two countries.

“10. Opening of the Dardanelles. This plan and the one before it will give Russia her desired ice-free ocean outlets.

“11. Division of Albania as follows: The northern portion to go to Montenegro; the southern part to go to Servia, with an outlet to the Adriatic. This will do away with troublesome Albania, give Montenegro more territory, and give Servia an outlet to the Adriatic.

“12. Purchase of the Philippine Islands from the United States by Japan. This will rid the United States of an apple of contention and give vent to the pent-up energies of Japan.

“13. Annexation of Lower California, Sonora and Chihuahua by the United States. This would be an act of mercy and would be for the betterment of those three neighboring States. It would facilitate and quicken the handling of affairs, should a repetition of the present condition of things occur.

“14. Stern warning to Mexico, that, after six months, Coahuila, Neuvo Leon and Tamaulipas will be annexed if an orderly government be not established within that time.

“15. Reduction of the Armies of Germany, France, Russia, Austria, Italy and Japan to one-half their respective present peace strengths, other nations not to increase their present peace armament.

“16. A naval holiday of five years for all powers.

This would give the stricken nations a chance to recuperate.”

With this letter were enclosed plans for the prevention of future wars, as follows: [40]

763.72/11.

FOR THE PREVENTION OF FUTURE WARS.

1. Definition of who are the first-class powers.
2. Abolition of offensive or defensive alliances between first-class powers.
3. Definition of who are second-class powers.
4. All second-class powers to act co-exception, looked forward to the “injointly as arbitrators, in case of trouble between two first-class powers.
5. Should arbitration fail the two antagonistic first-class powers must fight out their difference without being able to involve a third power.
6. Difficulties of second-class powers will be arbitrated by all first-class powers.
8. Definition of who are third-class powers.
9. Third-class powers must submit to arbitration of a counsel of the combined second-class powers.
10. Arbitration to be enforced by the combined second-class powers.
11. Should a second-class power have a grievance against a first-class power, delegates from all first-class and second-class powers should arbitrate.
12. Difficulties between a first-class power and a second-class power or between any of the lesser powers will be arbitrated.
13. Abolition of death sentence of alleged spies to be insisted upon.
14. Whereas the practice of throwing bombs into

cities or places endangers the lives of non-combatants, such practice should be prohibited.

15. Whereas lives and property of non-combatants have been constantly endangered by floating mines, since they have become factors in maritime warfare, the use of marine mines for the protection of harbors, [41] straits or rivers should be prohibited.

16. Whereas the Monroe Doctrine is obnoxious to both European and South American countries, and therefore will create, sooner or later, international questions or cause serious complications, it is advisable to abrogate the same.

LETTERS ARE ANSWERED.

At about the same time that the letter was sent to President Wilson, a letter containing the same proposals for peace was sent to the doctor's father in Germany, a man 86 years of age, who before he was retired by the emperor, served as instructor in modern languages in the imperial schools of Germany.

The President's reply to the proposals was received in due time, and almost to the surprise, certainly to the great joy of the doctor, seemed to favor the suggestions which the plans carried. The first letter from the President's secretary is printed here. Others received from him are of such a nature that the doctor feels he would be violating a sacred confidence if he allowed them to be printed at the present time.

DEPARTMENT OF STATE,
Washington, D. C.

November 14, 1914.

Doctor F. Schurmann,
Honolulu, Territory of Hawaii.

Sir:—

The Secretary of State directs me to acknowledge the receipt, by reference from the White House, of your letter of October 14th and in reply to inform you that your suggestions for the permanent establishment of peace have received the attention of the Department.

I am Sir,

Your obedient servant,

(Sgd.) E. C. SWEET,

Confidential Clerk.

“The letter which came to me later from my father,” says Dr. Schurmann, “was the hardest blow I have ever received. I had presumed up to the time when I received it that all the German people were wanting to see the war brought to an end and I had supposed that my [42] father would fairly snap up any proposals of the sort which I should make.

“On the other hand, his message to me was one of scorn, that I should think of offering such proposals for peace when the country was engaged in a war which he felt could not result otherwise than with a final good for Germany and for the world.”

“‘We shall never conclude peace,’ he wrote, ‘until Russia is driven back across her own country, until France is on her knees begging for mercy and Great Britain is sunk beneath the ocean. Already

we hear the death rattle in Great Britain's throat.' "

Dr. Schurmann says that this was the first letter that told him how greatly the material spirit had sunk into the very heart of Germany.

"In every letter since that time," he says, "My father and mother write, begging me to come back and fight for the Fatherland, and I suppose I should do so even yet were my strength to come entirely back to me. I have three brothers fighting in the war, also three brothers-in-law, and of my near relatives, 60 are at the front."

WRITES SECRETARY BRYAN.

Following the receipt of the favorable letter from Washington, Dr. Schurmann immediately wrote again to Secretary Bryan as follows:

Honolulu, T. H., Jan. 16, 1915.

The Secretary of State, Washington, D. C.

Dear Sir:

The reply to my letter of October 14 reached me November 18, and I am greatly pleased to know that my suggestions were deemed worthy of consideration.

Carefully watching developments, I am more than ever impressed with the feasibility of my thoughts and have venture to further my plans by writing to the chief magistrates of ten other neutral countries. A copy of such a letter is herein enclosed and is self-explanatory.

On one point, that is a *class 5* in A, "For the establishment of peace between the warring nations," mentioning the incorporation of "The Netherlands

and her possessions with Germany," we must not lose [43] sight of the fact that the Hollanders have never forgotten their struggle with England for naval supremacy; that Van Tromp and De Ruyter are still their greatest heroes; that the wiping out of the two Dutch Republics in South Africa is fresh in their memories; and that 30,000 young Hollanders emigrate yearly to Germany in order to better their conditions—becoming Germans in fact.

I have sounded hundreds of Hollanders and I have not found one who did not realize that an amalgamation of Holland with her big Teutonic brother would be of benefit to both countries. Six years ago a Dutch cruiser visited us in Honolulu, and interrogating the majority of her officers, I found that all, without a single *evitable*, with eager expectation. I am fully assured, should Germany pledge herself not to increase the length of conscription which is now 12 months in Holland (the Hollander not being a military enthusiast), that no man would object to be a participant of the many advantages which the protection of industrial and progressive Germany would bring him.

Respectfully yours,

F. H. SCHURMANN.

WRITES TO NEUTRAL COUNTRIES.

In addition to this the following duplicate letter was sent to the rulers of 10 neutral nations. Of these 10, five rulers have answered the doctor favorably, he asserts, and are now in communication with the President of the United States on the question.

Honolulu, T. H., January 16, 1915.

His Excellency Senor Don Estrada Cabrara, President of the Republic of Guatemala.

Dear Sir:

Having delivered to his Excellency W. Wilson, President of the United States, by means of a letter dated October 1, 1914, a set of articles for the re-establishment of peace in Europe and for the readjustment of affairs in general and receiving a prompt reply through official channels, I feel encouraged to submit to your Excellency's consideration a copy of said document and of the reply from the White House. [44]

I lay before you the fact that our beloved and wise chief executive found my humble document worthy of consideration and beg you to communicate with him in this matter, offering him your co-operation. Recognizing the unparalleled heroism of all the belligerents and realizing that nothing can be gained for either side by prolonging this terrible strife, the time is now ripe for all civilized and thoughtful neutrals to band together for the purpose of opening for the belligerents a way to honorable adjustment.

I have mailed similar appeals to the following:

1. His Excellency, the President of Guatemala.
2. His Excellency, the President of Brazil.
3. His Excellency, the President of Argentine.
4. His Excellency, the President of Chile.
5. His Excellency, the President of China.
6. His Majesty, the King of Italy.
7. His Majesty, the King of Spain.
8. His Majesty, the King of Denmark.

9. His Majesty, the King of Sweden.

10. His Majesty, the King of Norway.

Thus approached by eleven sincere neutral nations, and with the blessings of God, the warring countries would surely not refuse to listen to an appeal to reason.

Once a temporary armistice established, the rest would be comparatively easy.

A grain of sand may become a factor of ruining a priceless piece of machinery; a thought or a letter of your Excellency's valuable aid may establish a permanent peace.

Your Excellency's humble servant,

F. H. SCHURMANN.

HEARS FROM von BERNSTORFF.

The next step taken by the doctor was in the sending of letters praying for a consideration of the proposals to the rulers of the various warring countries, but from these men no word has yet been received. The [45] German ambassador at Washington, Count von Bernstorff, however, asked for more details on the plans, and Dr. Schurmann thinks from the tone of the letter that the emperor himself is at the bottom of the request. This is one of the letters which the doctor keeps secret although he is willing to let the letter-head and the signature be seen to prove the validity of the manuscript.

Hoping that the Pope might be helpful in getting the plans through to the Kaiser, a letter was sent to His Holiness as follows:

Honolulu, T. H., February 23, 1915.

His Holiness, Pope Benedict XV.

Vatican, Rome, Italy.

Your Holiness:

October 14 I mailed to his Excellency, President W. Wilson of the United States of America certain documents: (A) For the establishment of peace between the warring nations and (B) For the prevention of future wars. My suggestions were very promptly considered by our Chief Executive and a reply forwarded to me, which reached me November 18.

Encouraged by this, I mailed copies of the same documents to the rulers of ten neutral powers and later similar copies to:

His Majesty George V. King of Great Britain and Ireland, Emperor of India.

His Majesty Nicholas, Czar of Russia.

His Majesty Peter I, King of Servia.

His Excellency Raymond Poincare, President of the French Republic.

Yesterday I received from the Imperial German Embassy, Washington, D. C., a request to forward a copy of said documents to his Majesty Emperor William II. I addressed at once a letter to his Majesty with all documents; but fearing that the documents may not reach him by direct mail, and being well acquainted with Your Holiness' efforts with regard to the re-establishment of peace. I humbly ask Your Holiness, in the name of our Redeemer, to forward said documents or copies to His Majesty, Emperor William of Germany, I am,

F. H. SCHURMANN. [46]

A few weeks previous to this letter, a letter had been sent to the King of England, reading thus:

Honolulu, T. H., January 28, 1915.

His Majesty George V. King of Great Britain and
Ireland, Emperor of India:

Sir:

Encouraged by many friends and well-wishers some holding high positions in the United States Army and Navy—I lay before Your Majesty's Gracious Indulgence copies of certain documents, of which the originals are now in the hands of eleven neutral powers.

As author of these thoughts of a "General Re-adjustment," I beg Your Majesty to feel assured that the welfare of all parties concerned has been considered with absolute disinterestedness, although I must admit to the fact that I claim Germany as the land of my birth.

Similar letters and copies of documents have been forwarded to all the rulers of the nations at war.

An addendum to my suggestions, which in all probability would favor France, and which would, in any event, be a solution—fair to both Germany and France—should demand a popular vote in Alsace and in Lorraine to determine under which power those provinces would wish to become integral parts.

Praying for Your Majesty's kind attention, I remain

Your devoted servant,

F. H. SCHURMANN.

Letters are still coming in from various parties

concerned, but none of these at present may be published. The doctor says he has shown his proposals to prominent local military authorities who tell him that they believe the plans entirely feasible.

“It is from these little words of cheer here and there,” says Dr. Schurmann, “that I have been *let* on, even when there seemed no hope that the proposals would have any lasting effect. The words from President Wilson, of course, have been most helpful, for I realize that he of all men perhaps can bring about a starting toward peace. [47]

“The work itself,” he says, “which has been necessitated by the increased correspondence as time goes on, has been enormous. I suppose that up to the present time my correspondence alone on the matter has amounted to more than 500 typewritten pages. That gives some idea of the work that it has brought me. I can say, however, that conditions seem to be growing more and more favorable, and I should not be surprised at any time to receive a call to come to Washington and place my plans directly before the president.”

Though born in Germany, Dr. Schurmann is a citizen of the United States and he has been a resident of Honolulu for several years. His boyhood was spent playing about the guns in the Krupp factories at Essen, his native town.

“My father,” says the doctor, “was the special tutor to Miss Frieda Krupp, now the wife of a German naval officer and the present owner of the great factory. We children were all privileged characters about the place and were among the very, very few

who were allowed to go here and there as we pleased.”

Dr. Schurmann received his German education in the high schools of the Fatherland and then came to America to try his fortune here. He is a graduate of the School of Osteopathy at Kirksville, Mo.

The effects of the paralysis have almost left him, though strength has come back very slowly, and he expects in time to be entirely recovered. The sight of his right eye is still very much affected, but that too, he says, is getting better. [48]

Defendants' Exhibit "B"—Letter, Dated April 24, 1916, Patterson to Schurmann.

THE AMERICAN RED CROSS.

WASHINGTON, D. C.

April 24, 1916.

Dr. F. H. Schurmann,
Honolulu, T. H.

Dear Sir:—

Yours of the 6th instant just received. I wish to thank you very much for your generous offer of assistance. However, the enclosed circular will show you the status of our European service. There is no doubt that the use of passive motion, massage, etc., would be a most valuable adjunct to the treatment of injuries in war. I am returning you the clipping which you so kindly sent me.

Very truly yours,
(Sgd.) ROBT. PATTERSON,
Major, Medical Corps, U. S. Army,
Chief of Bureau.

Enclosure.

RUP-I. [49]

THE AMERICAN RED CROSS
WASHINGTON, D. C.

MEMBERSHIP. CLASS-SUBSCRIBING
DUES PAID, \$2.00
(Including Magazine)

CERTIFICATE OF MEMBERSHIP.

Dr. Wm. Schurmann.
Beretania St.
Honolulu, Hawaii. [50]

CIRCULAR OF INFORMATION REGARDING
APPLICANTS FOR POSITIONS WITH
THE AMERICAN RED CROSS IN EUROPE.

The American Red Cross has withdrawn all of its personnel from Europe with the exception of the American Red Cross Unit in Belgium, which will remain until May, 1916, when they will have completed one year's service. The other Units formerly in Europe served for more than twelve months before they were recalled. The withdrawal of the personnel by the American Red Cross was necessitated by lack of funds.

It is intended, however, to continue sending shipments of surgical, medical and hospital supplies to the Red Cross societies of the warring nations for the duration of the war, provided sufficient funds are available.

THERE ARE THEREFORE NO VACANCIES TO WHICH SURGEONS, NURSES, OR LAY ASSISTANTS CAN BE APPOINTED IN THE AMERICAN RED CROSS SERVICE IN EUROPE.

The names of individuals who offer to serve the

American Red Cross in case of hostilities involving our own country, will be placed on file, for further reference.

(Sgd.) ROBT. PATTERSON.
Major, Medical Corps, U. S. Army,
Chief of Bureau.

B. M. S.—#1.

March 1, 1916. [51]

**Defendants' Exhibit "C"—Letter, August 27, 1917,
U. S. Attorney to Schurmann.**

COPY.

August 27, 1917.

Dr. F. Schurmann,
167 Beretania Avenue,
City.

Dear Sir:—

Replying to your favor of yesterday, which I have just received, beg to say that I see no necessity for your depositing the books in question with me.

The item in the "Advertiser" is an error as to the dates, the facts being that you brought me copy of your book on August the 18th, and it was not until late in the afternoon of August 20th that I gave you my opinion in regard to the same.

Yours truly,

_____,
United States Attorney. [52]

Honolulu, T. H., August 26/17.

Hon. S. C. Huber, U. S. District Attorney.

Dear Sir:

I beg to draw your attention to the following

statement made by the BYSTANDER in to-day's (Sunday, Aug. 26, 1917) "Advertiser."

"Schurmann says he was advised by the federal attorney to cease circulating this book on Saturday, August 18. Why then did he sell at least one copy on Tuesday, August 21? I would be glad to submit the proof of this sale to the federal authorities."

I hereby, most emphatically, deny that any book was sold by me after Saturday, August 18; neither do I intend to do so except by permission of the United States Attorney-General.

With hundreds of copies in circulation here in Honolulu, the "Advertiser" has, no doubt, found it easy to obtain a copy of the book, and then deemed it expedient to add to its countless dirty tricks and lies—by juggling with the date of the sale of the above mentioned book.

If the tool, employed by the "Advertiser" should be given the "Third Degree," he would either break down or perjure himself, and further mischief might thus be prevented.

I am perfectly willing to deliver into your hands all remaining copies of the "Red Book" until a decision is handed down by the Attorney General, or until a treaty of peace signed between the United States and Germany.

Most respectfully yours,

(Sgd.) F. SCHURMANN. [53]

*In the United States District Court for the Territory
of Hawaii.*

OCTOBER TERM, 1919.

THE UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANK H. SCHURMANN,

Defendant.

Opinion.

S. C. HUBER, United States Attorney, and J. J. BANKS, Assistant U. S. Attorney, for the United States.

CLAUDIUS H. McBRIDE, for Respondent.

HORACE W. VAUGHAN, Judge.

Honolulu, Hawaii, January 18, 1919.

Filed Jany. 20, 1919. A. E. Harris, Clerk. By (Sgd.) Wm. L. Rosa, Deputy Clerk. [54]

SYLLABUS.

Aliens—Naturalization—Cancellation of certificate of citizenship:

Petition for cancellation of citizenship certificate alleging in substance insincerity in professed renunciation of former allegiance in taking oath to procure such certificate, charges fraud authorizing cancellation.

Aliens—Naturalization—Cancellation of citizenship certificate:

The publication of propaganda in favor of Germany during the controversy between Germany

and the United States preceding the war and the desire to circulate such propoganda after the United States and Germany were at war is evidence of allegiance to Germany on the part of one formerly a subject of the Kaiser.

Same:

Conclusion that renuciatiön of allegiance was not made absolutely and in good faith is warranted by the subsequent *recognition such* allegiance.
[55]

*In the United States District Court for the Territory
of Hawaii.*

OCTOBER TERM, 1919.

THE UNITED STATES OF AMERICA

vs.

FRANK H. SCHURMANN.

This is a proceeding under section 15 of the Act of June 29, 1906 (Comp. St. 1916, sec. 4374), to cancel the certificate of citizenship granted to respondent by the Superior Court of Los Angeles County, California, on December 17, 1904. The bill alleges in substance and effect that respondent, being then a subject of the German Government and of William II, Emperor thereof, and desiring to obtain the rights and privileges of citizenship and incident to citizenship in the United States, and being required by law in order to obtain such rights and privileges to renounce under oath absolutely and entirely all allegiance and fidelity to all others and particularly to the German Government and the Emperor thereof,

did take the oath required by law and did swear that he then renounced all allegiance and fidelity to all others and particularly to the German Government and to William II, Emperor, and did thereby procure the certificate of citizenship, aforesaid; and that when respondent did so swear he did not in truth and in fact renounce said allegiance and fidelity, his renunciation was mere pretense, and he remained under and bound by and to the allegiance he professed to renounce; and that he thereby procured said certificate by fraud.

Respondent demurred to the bill, contending that it [56] charges no such fraud as is within the meaning of the law authorizing cancellation on the ground of fraud. It should not be necessary to cite authorities to sustain the proposition that if when respondent swore that he renounced his allegiance to the German Government and to the German Emperor his renunciation was mere pretense and he remained faithful to and bound to and by the allegiance he professed to renounce, as the bill charges, he committed such fraud to procure the certificate of citizenship as authorizes its cancellation. The proposition is easily deducible from fundamental principles. It is also supported by authorities. The very question was decided in *U. S. v. Wusterbarth*, 249 Fed. 908, and in *U. S. v. Dunbar*, 249 Fed. 989. Our laws are and have always been quite liberal to the alien, but not so liberal as to permit him to commit fraud in order to obtain citizenship. If able to pass the requirements of our immigration laws he is permitted to enter our country and live among us, enjoy

the blessings of "liberty regulated by law," send his children to our public free schools, and do almost anything citizens of our country may do except vote and hold office, and in some states he may do these also after a mere declaration of intention to become a citizen; and after a few years residence in our country, he may obtain all the rights and privileges of citizenship by complying with the requirements of our laws in regard thereto, one of which is that he must declare on oath that he is attached to the principles of the Constitution of the United States, and another of which is that he must swear in open court that he will support and defend the Constitution and Laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same, and another of which is that he shall declare upon oath in open court that he absolutely [57] and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and particularly by name to the prince, potentate, state or sovereignty of which he was before a citizen or subject. If when he does any of these things required by law in order to obtain citizenship, he is insincere, is at heart a royalist or a monarchist or an anarchist or is not really attached to the principles of the Constitution or remains faithful or bound to or by the allegiance he professes to renounce, he is guilty of fraud that vitiates the certificate he obtains thereby, and should be deprived of it and *or* rights and privileges incident thereto.

The answer makes such admissions that the only issue of fact raised by the pleadings is whether at the

time respondent swore he renounced his allegiance to the German Government and Emperor, he did not in fact renounce it, but kept it. The evidence by which the Government has sought to prove that he did not renounce it is of acts and conduct and oral and written expressions of respondent subsequent to the beginning of the war begun by Germany by the invasion of Belgium, in August, 1914, and having relation to it, and showing that from the beginning respondent's heart was with the Kaiser in all his mad efforts to conquer and subjugate, and that his allegiance and fidelity to the German Government and to the German Emperor were supreme over his mind and heart. Quite a number of witnesses have testified to various oral expressions of respondent. Both before and after the Government of the United States declared that the German Government was carrying on war against us and began to make the necessary preparation to defend against it, respondent lauded the conduct of the Germans which our Government declared to be war on us. Both before and after the declaration of war by the United States, he [58] used various expressions to various persons, which, had he used them after the passage of the Espionage Act, would have subjected him to conviction of felony.

But in view of the mass of evidence of his disloyalty appearing in a certain book written and published by him in August, 1916, which has been introduced in evidence, it is really unnecessary to notice the evidence of oral expressions. The title of this book is "The War as Seen Thru German Eyes." It is about as poisonous German propaganda as was ever

fabricated. The respondent admits it was propaganda, and that it was intended to create sentiment to prevent the United States from going to war with Germany. It is a bitter denunciation of all men and nations standing in the way of German success, and a laudation of all things German. It is full of falsehoods in regard to the origin, cause and conduct of the war, and of false accusations against the allied nations and against the Government and people of the United States and the President of the United States; and the hatred exhibited in it against Great Britain and the peculiar affection displayed towards "down-trodden Ireland," are such as are rarely to be found elsewhere than in the heart of the Hun. In it respondent complains against the United States and the President, because of the sale of arms and munitions by citizens of the United States to Great Britain and her allies, and complains against the President for "Killing" the resolutions offered in Congress to warn Americans to keep off the ships of the Allies, and he justifies and applauds the murdering of 114 Americans on board the "Lusitania" when she was sunk in violation of law and in violation of the rights of every person on board. He accuses the owners of the "Lusitania" of being "guilty of this terrible calamity" because, as he charges, the [59] vessel was laden with arms and ammunition, and they "knew the submarines would lay for her"; and he denounces the United States Government as guilty because it did not "prevent any one from sailing on the doomed ship," and he denounces "the reckless passengers themselves, who disregarded the often repeated and earnest warn-

ings not only published by the German authorities, but also sent by the German authorities to each of these passengers individually." But for the murderers who committed the crime he sings a hymn of praise and says he would do as they did himself if he were in command of a submarine and had the opportunity, and that he knows "you" would do so also.

Respondent said in an article published in the "Honolulu Star-Bulletin," on August 11, 1915, which he introduced in evidence, that when he learned "that Germany had declared war upon Russia," his "First thought was to serve the Fatherland," and he "went to the German Consul here and offered his services, which were accepted"; and he further said in the same article: "Plans were already begun for starting to the front when I suffered a stroke of paralysis and was rendered blind and practically unable to move." After reading this book, in the light of subsequent events, and comparing the propaganda put forth in it with other propaganda of the German Government, the evidence is very strong that respondent permitted himself to be used as a tool by the German Government acting through its Consul in Honolulu, to disseminate its propaganda under the cloak of American citizenship, and this was the "service" to the "Fatherland" the Consul gave him to do.

It is not necessary to review the book or any of the many false charges in it against the Government and people and President of the United States. It is one hundred and forty-two pages of lying propaganda designed to stir up sentiment to embarrass the Government of the United States in the conduct of our

affairs with [60] Germany and to deprive the President of the United States of the support of the American people in the correct and courageous stand he had taken in defense of American rights against outrageous German aggression. It is sufficient to say that the publication of it is sufficient evidence of respondent's disloyalty to the United States and allegiance to the German Emperor.

It is claimed that respondent had the right to publish the book. I do not believe that the right of free speech includes the right to publish any such lying propaganda even if there was no law against it at the time. However, that may be, the question is not whether respondent has violated the law, but whether he gives allegiance and fidelity to Germany. Was he with Germany or with the United States in the controversy between them preceding the war? Was he with Germany or with the United States after the war between them began? After it began respondent wished to continue to sell his book, but he was afraid it might not be safe to do so, and he requested the United States Attorney to read it and tell him whether it would be unlawful to sell it, and when the United States Attorney after having read it told him in substance that it would be unlawful to circulate it, he was not satisfied or willing to yield to the opinion of the United States Attorney, but requested that the United States Attorney refer the question to the Attorney General of the United States for his decision. It would have been giving encouragement to the enemies of the United States, the foreign enemy with whom we were at war and the

domestic enemies and traitors within our country, yet respondent wished to circulate it. This shows [61] where his allegiance and fidelity were after our country was at war.

But it is contended that the question is whether respondent renounced his allegiance in 1904, not whether he afterwards returned to it and gave it to Germany. It is true that is the question. But if after enjoying liberty in our country for ten years, respondent "recognizes an allegiance to the sovereignty of his origin superior to his allegiance to this country, it seems to me that it is not only permissible to infer from that fact, but that the conclusion is irresistible, that at the time he took the oath of renunciation, he did so with a mental reservation as to the country of his birth, and retained towards that country an allegiance which the laws of this country required him to renounce before he could become one of its citizens." *U. S. vs. Wursterbarth*, 249 Fed. 908. Such a Kaiserite as the evidence shows respondent to be never was sincere in his renunciation of the Kaiser.

I therefore conclude from the evidence that when respondent renounced his allegiance to the Kaiser, it was from the lips out, and that he remained attached to his former allegiance, and that in doing so he procured his certificate of citizenship by fraud, and that therefore the same should be cancelled.

(Sgd.) HORACE W. VAUGHAN,

Judge U. S. District Court for the Territory of
Hawaii.

Honolulu, Hawaii, January 18, 1919. [62]

Filed Jany. 15, '19. A. E. Harris, Clerk. By
(Sgd.) Wm. L. Rosa, Deputy.

*United States District Court in and for the Territory
of Hawaii.*

OCTOBER TERM, 1918.

Entered in J. D. Book, folios 416-417.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANK H. SCHURMANN,

Respondent.

Decree.

This cause duly came on to be heard at this term on the bill, answer and proofs; and was argued by counsel. It appearing to the Court that prior to the filing of the bill of complaint in this cause and at the time of the hearing thereof, the respondent, Frank H. Schurmann, was a resident of the city of Honolulu, District of Hawaii; that prior to December the 17th, 1904, respondent was a subject of the Imperial German Government and of William II, German Emperor; that the respondent on, to wit, the 17th day of December, 1904, in the United States of America in the State of California, county of Los Angeles, became a citizen of the United States of America by naturalization, and on said day and at said place a Certificate of Citizenship was issued and delivered to the respondent out of and by the Superior Court of Los Angeles County, which said court

was then and there a court of record having common law jurisdiction and a clerk and a seal, and having jurisdiction to issue said Certificate of Citizenship; that before bringing this suit, there was presented to the Honorable S. C. Huber, United States District Attorney for the District of Hawaii, an affidavit duly signed and sworn to by one Jeanette Ryan, which affidavit showed good cause for the institution of this suit; that before said Certificate of Citizenship was issued to the respondent, he did make and subscribe an oath before the Court issuing the same, that he would support the Constitution of the United [63] States of America, and that he absolutely and entirely renounced and abjured all allegiance to any foreign prince, potentate, state or sovereignty whatever, and particularly to the Imperial German Government and William II, German Emperor of whom he had theretofore been a subject; that the said Certificate of Citizenship that was then and there issued to respondent as aforesaid was procured by respondent by fraud, in this: that at the time respondent made the said oath of allegiance, he falsely and fraudulently made oath that he absolutely renounced and abjured all allegiance and fidelity to every foreign prince, potentate, state or sovereignty whatever, and particularly to the Imperial German Government and William II, German Emperor; that respondent did not in truth and in fact at such time and place absolutely and entirely abjure and renounce all allegiance and fidelity to the Imperial German Government and William II, German Emperor, but did then and there fraudulently reserve and keep his

allegiance and fidelity to the Imperial German Government and to William II, German Emperor, and did remain under and bound by it and to it.

It is therefore ORDERED, ADJUDGED and DECREED that the Certificate of Citizenship heretofore issued to the respondent, Frank H. Schurmann, be and the same is hereby set aside and cancelled.

It is further ORDERED, ADJUDGED and DECREED that the respondent, Frank H. Schurmann, immediately surrendered to this Court the said Certificate of Naturalization heretofore issued to him.

It is further ORDERED, ADJUDGED and DECREED that the clerk of this court transmit to the Bureau of Naturalization at Washington, D. C., a certified copy of this decree.

It is further ORDERED, ADJUDGED and DECREED that the clerk of this court transmit to the Superior Court of Los Angeles [64] County, State of California, a certified copy of this Decree.

It is further ORDERED, ADJUDGED and DECREED that the respondent, Frank H. Schurmann, pay the costs of this proceeding.

GIVEN UNDER MY HAND AND SEAL OF THE COURT this 15th day of January, 1919.

[Seal] (Sgd.) HORACE W. VAUGHAN,
Judge of the District Court for the Territory of
Hawaii. [65]

*In the United States District Court in and for the
Territory of Hawaii.*

OCTOBER TERM, A. D. 1918.

PETITION FOR CANCELLATION OF CER-
TIFICATE OF CITIZENSHIP.

UNITED STATES OF AMERICA,
Plaintiff-Appellee,
vs.

FRANK H. SCHURMANN,
Defendant-Appellant.

**Notice of Appeal of Frank M. Schurmann and Order
Allowing Same.**

To the United States of America, Plaintiff-Appellee,
and to J. J. Banks, Assistant United States At-
torney, Its Attorney:

YOU AND EACH OF YOU are hereby notified
that the above-named defendant and appellant,
Frank H. Schurmann, intends to and does hereby
appeal from the final decree of the United States
District Court in and for the Territory of Hawaii
entered in the above-entitled suit on the 15th day
of January, A. D. 1919, to the United States Circuit
Court of Appeals for the Ninth Circuit.

Dated at Honolulu, District and Territory of
Hawaii, this 10th day of July, A. D. 1919.

(S.) FRANK H. SCHURMANN,
Defendant and Appellant.

(S.) C. H. McBRIDE,
Attorney for Defendant-Appellant. [66]

Received a copy of the foregoing Notice of Appeal on this 10th day of July, A. D. 1919.

(S.) JAS. J. BANKS,
Assistant United States Attorney,
Attorney for Plaintiff- Appellee.

I HEREBY ALLOW THIS APPEAL, upon petition of defendant-appellant and his attorney.

Dated Honolulu, District and Territory of Hawaii, upon this 10th day of July, A. D. 1919.

(S.) HORACE W. VAUGHAN,
Judge U. S. District Court for Hawaii. [67]

*United States District Court in and for the Territory
of Hawaii.*

OCTOBER TERM, A. D. 1918.

PETITION FOR CANCELLATION OF CERTIFICATE OF CITIZENSHIP.

UNITED STATES OF AMERICA,
Plaintiff-Appellee,
vs.

FRANK H. SCHURMANN,
Defendant-Appellant.

Petition on and for Appeal.

To the Honorable HORACE W. VAUGHAN,
Judge of the Above-entitled Court:

The above-named defendant and appellant in the above-entitled cause, conceiving himself aggrieved by the final decree made and entered by the above-named court in the above-entitled cause under date

of January 15th, A. D. 1919, said decree being in the words and figures following, to wit:

“United States District Court in and for the Territory of Hawaii.

OCTOBER TERM, 1918.

“UNITED STATES OF AMERICA,

Plaintiff,

vs.

“FRANK H. SCHURMANN,

Defendant.

This cause duly came on to be heard at this term on the bill, answer and proofs; and was argued by counsel. It appearing to the Court that prior to the filing of the bill of complaint in this cause and at the time of the hearing thereof, [68] the respondent, Frank H. Schurmann, was a resident of the city of Honolulu, District of Hawaii; that prior to December the 17th, 1904, respondent was a subject of the Imperial German Government and of William II, German Emperor; that the respondent on, to wit, the 17th day of December, 1904, in the United States of America, in the State of California, County of Los Angeles, became a citizen of the United States of America by naturalization, and on said day and at said place a Certificate of Citizenship was issued and delivered to the respondent out of and by the Superior Court of Los Angeles County, which said court was then and there a court of record having common-law jurisdiction and a clerk and a seal, and having

jurisdiction to issue said Certificate of Citizenship; that before bringing this suit, there was presented to the Honorable S. C. Huber, United States District Attorney for the District of Hawaii, an affidavit duly signed and sworn to by one Jeanette Ryan, which affidavit showed good cause for the institution of this suit; that before said Certificate of Citizenship was issued to the respondent, he did make and subscribe an oath before the Court issuing the same, that he would support the Constitution of the United States of America and that he absolutely and entirely renounced and abjured all allegiance to any foreign prince, potentate, state or sovereignty whatever, and particularly to the Imperial German Government and William II, German Emperor of whom he has theretofore been a subject; that the said Certificate of Citizenship that was then and there issued to respondent as aforesaid was procured by respondent by fraud, in this: that at the time respondent made oath that he absolutely renounced and abjured all allegiance and fidelity to every foreign prince, potentate, state or sovereignty whatever, and particularly to the Imperial [69] German Government and William II, German Emperor; that respondent did not in truth and in fact at such time and place absolutely and entirely abjure and renounce all allegiance and fidelity to the Imperial German Government and William II, German Emperor, but did then and there fraudulently reserve and keep his allegiance and fidelity to the Imperial German Government and to William II, German Emperor, and did remain under and bound by it and to it.

It is therefore ORDERED, ADJUDGED and DECREED that the Certificate of Citizenship heretofore issued to the respondent Frank H. Schurmann, be and the same is hereby set aside and cancelled.

It is further ORDERED, ADJUDGED and DECREED that the respondent, Frank H. Schurmann, immediately surrender to this Court the said Certificate of Naturalization heretofore issued to him.

It is further ORDERED, ADJUDGED and DECREED that the clerk of this court transmit to the Bureau of Naturalization at Washington, D. C., a certified copy of this decree.

It is further ORDERED, ADJUDGED and DECREED that the clerk of this court transmit to the Superior Court of Los Angeles County, State of California, a certified copy of this decree.

It is further ORDERED, ADJUDGED and DECREED that the respondent, Frank H. Schurmann, pay the costs of this proceeding.

Given under my hand and seal of the court this 15th day of January, 1919.

(Sgd.) HORACE W. VAUGHAN,
Judge of the District Court for the Territory of
Hawaii."

Do hereby appeal to the United States Circuit Court of Appeals [70] for the Ninth Circuit, at San Francisco, in the State of California, from said decree, and from the whole thereof, for the reasons set forth in the assignment of errors, which is filed herewith; and said defendant-appellant prays that

his petition for his said appeal may be allowed, and that a transcript of record, proceedings and papers, upon which said decree was made, duly authenticated, may be sent to the United States Circuit Court of Appeals for the Ninth Circuit, at the city of San Francisco, in the State of California.

Dated Honolulu, Hawaii, July 10th, A. D. 1919.

(S.) FRANK H. SCHURMANN,
Defendant-Appellant.

(S.) C. H. McBRIDE,
Attorney for Defendant-Appellant. [71]

*United States District Court in and for the Territory
of Hawaii.*

OCTOBER TERM, A. D. 1918.

PETITION FOR CANCELLATION OF CER-
TIFICATE OF CITIZENSHIP.

UNITED STATES OF AMERICA,
Plaintiff and Appellee,
vs.

FRANK H. SCHURMANN,
Defendant and Appellant.

Order Allowing Appeal and Fixing Amount of Bond.

WHEREAS, on the 27th day of August, A. D. 1918, a bill in equity was filed instituting this suit in the name of United States of America, Plaintiff, against Frank H. Schurmann, as Defendant, for cancellation of certificate of citizenship theretofore and on the 17th day of December, A. D. 1904, issued and

delivered to said Frank H. Schurmann by the Superior Court of Los Angeles County, State of California, and whereas, said Frank H. Schurmann appeared and answered in said suit, and whereas, said suit proceeded until the entry of final decree therein on the 15th day of January, A. D. 1919, and whereas, in said final decree it was ordered, adjudged and decreed that the Certificate of Citizenship theretofore issued to Frank H. Schurmann, defendant herein, be and the same was thereby set aside and canceled, and whereas, the said Frank H. Schurmann has duly filed notice of appeal from said final decree, and whereas, the said Frank H. Schurmann desires to appeal from the said decree, and whereas, the bond hereinafter referred to has already been filed and approved by the Court, and whereas, the said Frank H. Schurmann has filed assignments of error,—

NOW, THEREFORE, it is hereby ordered that said appeal be and the same is hereby allowed as prayed for, and it is hereby further [72] ordered that defendant-appellant may give one joint and several bond on appeal in the aggregate sum of \$250.00 to cover costs of the appeal by himself, the said bond to be in form and conditioned as required by law and by the rules of the United States Circuit Court of Appeals for the Ninth Circuit.

Dated at Honolulu, District and Territory of Hawaii, upon this 10th day of July, A. D. 1919.

(S.) HORACE W. VAUGHAN,
Judge, United States District Court in and for the
District and Territory of Hawaii. [73]

*United States District Court in and for the Territory
of Hawaii.*

OCTOBER TERM, A. D. 1918.

PETITION FOR CANCELLATION OF CER-
TIFICATE OF CITIZENSHIP.

UNITED STATES OF AMERICA,
Plaintiff and Appellee,
vs.

FRANK H. SCHURMANN,
Defendant and Appellant.

**Assignment of Errors of Frank H. Schurmann,
Defendant and Appellant.**

NOW COMES the above-named Frank H. Schurmann, Defendant-Appellant herein, and says that in the record and proceedings in the above-entitled cause there is manifest error and said defendant-appellant, who has been allowed an appeal from the decree filed herein by the said Court, now makes, files and presents his assignment of errors, as follows, and upon which he will rely to wit:

1. The Court erred in entering a final decree against the defendant-appellant and in favor of the plaintiff-appellee in this suit.

2. The Court erred in finding and holding in favor of the plaintiff-appellee and against the defendant-appellant, because said holding and finding was and is contrary to the evidence, the weight of the evidence, and because there was a failure to prove the material allegations of the petition for cancellation

of citizenship certificate in this suit.

3. The Court erred in making, rendering and entering the [74] final decree in said suit upon the findings and records therein.

4. The Court erred in rendering and making its decree in said suit because said decree was and is contrary to all the evidence adduced in this suit, the preponderance of the evidence and the weight of the evidence and is contrary to law and justice, and to the facts and circumstances as stated and shown in the pleadings and records in said suit.

5. The Court erred in finding for the United States of America, plaintiff-appellee herein, and against Frank H. Schurmann, defendant-appellant herein.

6. The Court erred in holding petition for cancellation of citizenship certificate in this suit sufficient.

7. The Court erred in holding that petition for cancellation of citizenship certificate, alleging in substance insincerity in professed renunciation of former allegiance in taking oath to procure such certificate, charges fraud authorizing cancellation.

8. The Court erred in holding that publication of propaganda in the United States in favor of Germany prior to the entry of the United States into the war is evidence of allegiance to Germany on the part of one formerly a subject of the Kaiser.

9. The Court erred in holding that the desire to circulate propaganda in the United States in favor of Germany after the United States and Germany were at war is evidence of allegiance to Germany on

the part of one formerly a subject of the Kaiser.

10. The Court erred in holding that renunciation of allegiance not made absolutely and in good faith is warranted by the subsequent recognition of such allegiance.

11. The Court erred in overruling demurrer of defendant-appellant to the effect that statements made by him in the year 1918 do not and cannot constitute a ground for cancelling citizenship [75] procured in 1904.

12. The Court erred in overruling demurrer of defendant-appellant to the petition for cancellation of citizenship certificate, said demurrer being on the ground that the said petition was insufficient in that the same did not and does not contain any charge or allegation of fraud, express or implied, existing at the time of the procurement of such citizenship certificate.

13. The Court erred in finding that upon the evidence adduced on the trial of this suit defendant-appellant, at the time he made the oath of allegiance described in the opinion and decree herein, falsely and fraudulently made oath that he absolutely renounced and abjured all allegiance and fidelity to every foreign prince, potentate, state or sovereignty whatever, and particularly to the Imperial German Government and William II, German Emperor.

14. The Court erred in finding that upon the evidence adduced on the trial of this suit defendant-appellant, did not, at the time of taking and making the oath of allegiance described in this cause, in truth and in fact at such time and place absolutely and

entirely abjure and renounce all allegiance and fidelity to the Imperial German Government, and William II, German Emperor, and in finding that said defendant-appellant did then and there fraudulently reserve and keep his allegiance and fidelity to the Imperial German Government and to William II, German Emperor, and did remain under and bound by it and to it.

15. The Court erred in overruling defendant's oral Motion for a continuance.

16. The Court erred in overruling defendant's written Motion for a continuance.

17. The Court erred in refusing permission and motion of defendant-appellant to withdraw purported appearance and answer filed by said defendant-appellant and dated October 25, 1918, and [76] to file in lieu thereof a new answer to be filed within one hour of the time of making such request.

18. The Court erred in overruling the motion of defendant-appellant to strike all of the evidence in this suit of the witnesses Holliday, Beasley, Ludwig, and Allen, said motion being based upon the grounds, among others: (1) That the Bill in Equity in this suit to cancel certificate of citizenship was based upon the affidavit of one Jeanette Ryan, nee Mrs. John W. Ryan, whereas said Jeanette Ryan, nee Mrs. John W. Ryan, was not called by the plaintiff-appellee as a witness in this suit; and (2) this being an action founded upon fraud, the circumstances of the fraud must have been first set forth in the petition in this suit to entitle proof thereof.

19. The Court erred in admitting in evidence

Government's Exhibit "B" over the objections of defendant-appellant as follows: that the book was written and printed before the United States went into the war with Germany and has no bearing on the case whatever; that defendant-appellant was given authority by Congress to issue said book, having been a copyright therefor.

In order that the foregoing assignment of errors may be and appear of record, the said defendant-appellant files and presents the same to said Court and prays that such disposition on behalf thereof may be made as in accordance with law and the statutes of the United States in such case made and provided, and said defendant-appellant prays a reversal of said final decree heretofore made and entered by said Court.

Dated at Honolulu, District of Hawaii, the 10th day of July, A. D. 1919.

(S.) FRANK H. SCHURMANN,
Defendant-Appellant.

(S.) C. H. McBRIDE,
Attorney for Defendant-Appellant. [77]

City and County of Honolulu,
District and Territory of Hawaii,—ss.

C. H. McBride, being first duly sworn upon his oath, deposes and says:

That he is an attorney at law and a resident of the city and county of Honolulu, District and Territory of Hawaii; that on the 10th day of July, A. D. 1919, he did serve J. J. Banks, Assistant United States Attorney in and for the District and Territory of Hawaii, one of the attorneys for plaintiff-appellee

herein, with a true and correct copy of the assignment of errors herein, by leaving with the said J. J. Banks personally a true and correct copy thereof, at his office in said Honolulu, and the said J. J. Banks personally received said copy.

C. H. McBRIDE.

Subscribed and sworn to before me upon this 10th day of July, A. D. 1919.

[Seal]

(S.) A. E. HARRIS,

Clerk United States District Court. [78]

Filed July 10, 1919. A. E. Harris, Clerk. Wm. L. Rosa, Deputy Clerk.

*United States District Court in and for the Territory
of Hawaii.*

OCTOBER TERM, A. D. 1918.

PETITION FOR CANCELLATION OF CER-
TIFICATE OF CITIZENSHIP.

UNITED STATES OF AMERICA,

Plaintiff and Appellee,

vs.

FRANK H. SCHURMANN,

Defendant and Appellant.

Citation on Appeal.

United States of America,

District of Hawaii,—ss.

The President of the United States to United States of America, Plaintiff and Appellee, and to Hon. J. J. Banks, Assistant United States Attorney, Its Attorney:

You, and each of you, are hereby cited and admonished to be and appear before the United States Circuit Court of Appeals for the Ninth Circuit to be held at the city of San Francisco in the State of California, within thirty (30) days from the date of this citation, pursuant to an appeal filed in the office of the United States District Court for the Territory of Hawaii, in the above-entitled proceeding, wherein Frank H. Schurmann is defendant-appellant, and under the decree filed herein United States of America is plaintiff-appellee and Frank H. Schurmann is defendant-appellant, and you, the said United States of America, plaintiff-appellee herein, do then and there show cause, if any there be, why the [79] decree entered in the above-entitled proceeding on the 15th day of January, A. D. 1919, in said appeal mentioned and thereby appealed from should not be corrected and reversed, and why speedy justice should not be done to the parties in that behalf.

WITNESS the Honorable EDWARD DOUGLASS WHITE, Chief Justice of the United States of America, this 10th day of July, A. D. 1919.

HORACE W. VAUGHAN,

Judge of the United States District Court for the Territory of Hawaii. [80]

District of Hawaii,
Territory of Hawaii,
City and County of Honolulu,—ss.

C. H. McBride, of Honolulu, in the District and Territory of Hawaii, attorney at law, upon being duly sworn, upon his oath, deposes and says:

That he is one of the attorneys for the defendant-appellant in the within entitled cause, and that on Thursday, the 10th day of July, A. D. 1919, he did personally serve J. J. Banks, Assistant United States Attorney, one of the attorneys for United States of America, plaintiff-appellee in said cause, with the annexed citation, and the order allowing the appeal of said cause by delivering to him, the said J. J. Banks, as such attorney for said plaintiff-appellee, a full, true and correct copy of the said citation issued in the said suit, and a full, true and correct copy of the order allowing said appeal, to the United States Circuit Court of Appeals of the Ninth Circuit, and at the time of said service I exhibited to him, the said J. J. Banks, the said attorney for said plaintiff-appellee, the original citation issued on appeal in this suit, and further this deponent saith not.

C. H. McBRIDE.

Subscribed and sworn to before me at said Honolulu on this 10th day of July, A. D. 1919.

[Seal]

WM. L. ROSA,

Deputy Clerk United States District Court. [81]

Service of the within citation on appeal, by copy thereof, herewith acknowledged upon this 10th day of July, A. D. 1919.

JAS. J. BANKS,

Assistant United States Attorney,
Attorney for Plaintiff-Appellee. [82]

[Endorsed]: E. No. 10. In the United States District Court for the Territory of Hawaii. United States of America, Plaintiff-Appellee, vs. Frank

H. Schurmann, Defendant-Appellant. Citation on Appeal.

United States District Court in and for the Territory of Hawaii.

OCTOBER TERM, A. D. 1918.

PETITION FOR CANCELLATION OF CERTIFICATE OF CITIZENSHIP.

UNITED STATES OF AMERICA,
Plaintiff and Appellee,
vs.

FRANK H. SCHURMANN,
Defendant and Appellant.

Bond on Appeal of Frank H. Schurmann.

KNOW ALL MEN BY THESE PRESENTS: That we, Frank H. Schurmann, defendant-appellant in the above-entitled suit, as principal, and L. Ayau, and Lum Yee Sing as sureties, are held and firmly bound unto the United States of America, plaintiff and appellee, in the sum of Two Hundred Fifty Dollars (\$250.00), lawful money of the United States of America, to be paid to the said United States of America, plaintiff and appellee herein, its successors and assigns, to which payment well and truly to be made we bind ourselves and each of us, our and each of our respective heirs, executors, administrators and assigns, firmly by these presents.

SEALED with our seals and dated in the city and county of Honolulu, in the District and Territory of Hawaii, this 10th day of July, A. D. 1919.

WHEREAS, the above-named Frank H. Schurmann, the defendant-appellant in this suit, has appealed to the United States Circuit Court of Appeals for the Ninth Circuit, from the final decree in [83] this suit, made and entered up in favor of the plaintiff and appellee above named by the United States District Court for the Territory of Hawaii and duly filed in said court on the 15th day of January, A. D. 1919, by the above-named court, praying that said decree may be reversed.

NOW, THEREFORE, the condition of this obligation is such that if the above-named defendant-appellant aforesaid shall prosecute his appeal to effect and shall answer all costs to which the plaintiff-appellee may be entitled, if he fails to make good his appeal, and if he shall abide by and perform whatever decree may be rendered by the United States Circuit Court of Appeals for the Ninth Circuit in this cause or on the mandate of the United States Circuit Court of Appeals for the Ninth Circuit by the United States District Court for the Territory of Hawaii, then this obligation shall be void; otherwise the same shall remain in full force and effect.

IN WITNESS WHEREOF, the aforesaid principal and the aforesaid sureties have hereunto set their hand and seals at Honolulu, in the City and County of Honolulu, District and Territory of Hawaii, this 10th day of July, A. D. 1919.

(S.) FRANK H. SCHURMANN, (Seal)
Principal.

(S.) L. AYAU, (Seal)

(S.) LUM YEE SING, (Seal)

Sureties. [84]

The foregoing bond is approved as to form, amount and sufficiency of sureties.

Dated Honolulu, in the District and Territory of Hawaii, this 10th day of July, A. D. 1919.

(S.) HORACE W. VAUGHAN,
Judge of the United States District Court for the
District and Territory of Hawaii. [85]

*United States District Court in and for the Territory
of Hawaii.*

OCTOBER TERM, A. D. 1918.

PETITION FOR CANCELLATION OF CER-
TIFICATE OF CITIZENSHIP.

Plaintiff and Appellee.

vs.

FRANK H. SCHURMANN,

Defendant and Appellant.

**Notice of Filing of Bond on Appeal of Frank H.
Schurmann.**

To the United States of America, Plaintiff-Appellee,
and to J. J. Banks, Assistant United States
Attorney, Attorney for Plaintiff-Appellee:

YOU AND EACH OF YOU are hereby notified that the defendant-appellant in this suit, Frank H. Schurmann, has filed in the United States District Court for the Territory of Hawaii, a bond in the sum of Two Hundred Fifty Dollars (\$250.00), in accordance with the rules of the United States Circuit Court of Appeals for the Ninth Circuit, and the

names and residences of the sureties who have executed said bond on appeal in this suit, a copy of which is attached hereto, and made a part hereof, are as follows:

L. Ayau resides at #5 Matsumoto Lane and does business at King and Nuuanu Sts., in said Honolulu, and his postoffice address is P. O. Box 930; and

Lum Yee Sing resides at Nuuanu and Young Lane and does business at Kun Chan Co., Nuuanu St., in said [86] Honolulu, and his postoffice address is Nuuanu Street; and they are the sureties on said bond filed in this court in this suit on appeal from the final decree made and entered herein in the United States District Court for the Territory of Hawaii, and from which final decree the said defendant-appellant has appealed and filed his notice of appeal.

Dated, Honolulu, T. H., this 10th day of July, A. D. 1919.

(S.) FRANK H. SCHURMANN,
Defendant-Appellant,

By (S.) C. H. McBRIDE,

His Attorney. [87]

*United States District Court in and for the Territory
of Hawaii.*

OCTOBER TERM, A. D. 1918.

PETITION FOR CANCELLATION OF CER-
TIFICATE OF CITIZENSHIP.

UNITED STATES OF AMERICA,

Plaintiff and Appellee.

vs.

FRANK H. SCHURMANN,

Defendant and Appellant.

Stipulation Re Transcript of Testimony.

IT IS HEREBY STIPULATED: That inasmuch as no copy was made of the transcript of testimony in this cause, the original of said transcript of testimony may be included and made a part of the record on appeal in this cause and forwarded to the Clerk of the Circuit Court of Appeals for the Ninth Judicial Circuit, and that said original transcript of testimony be returned to the office of the clerk of the United States District Court for the District and Territory of Hawaii after the record on appeal herein shall have been officially filed with the clerk of the Circuit Court of Appeals for the Ninth Judicial Circuit.

Dated at Honolulu, Hawaii, July 10th, 1919.

(S.) JAS. J. BANKS,

Assistant United States Attorney,

Attorney for Plaintiff-Appellee,

C. H. McBRIDE,

Attorney for Defendant-Appellant.

Approved:

(S.) HORACE W. VAUGHAN,

Judge United States District Court. [88]

Filed March 11, 1919, at 3:30 P. M. A. E. Harris,
Clerk. Wm. L. Rosa, Deputy Clerk.

*In the United States District Court, in and for the
Territory of Hawaii.*

EQUITY No. 10.

THE UNITED STATES OF AMERICA,
Plaintiff,

vs.

FRANK H. SCHURMANN,
Respondent.

INDEX.

	Direct.	Cross.	Re-direct.	Re-cross.	Court.	Re-called.
For Plaintiff:						
B. H. Knollenberg,	6	14	—	—	17	—
R. E. Holliday,	31	37	—	—	—	—
Mary Jane Beaseley,	40	41	—	—	—	—
Jeannette Ludwig,	44	47	—	—	—	—
Henry Allen,	50	56	—	—	—	—
For Respondent:						
Frank H. Schurmann,	62	64	—	—	—	88
Martha B. Hitchcock,	74	77	81	—	—	—
Alleine L. Hitchcock,	83	86	—	—	—	—
Oscar Bernard,	109	112	117	119	—	—
S. C. Huber,	125	—	—	—	—	—

*In the United States District Court in and for the
Territory of Hawaii.*

No. 10—EQUITY.

Before the Honorable HORACE W. VAUGHAN,
Judge of Said Court.

THE UNITED STATES OF AMERICA,
Plaintiff,

vs.

FRANK H. SCHURMANN,
Respondent.

Honolulu, H. T., October 28, 1918.

APPEARANCES:

For the United States:

Hon. S. C. HUBER, United States District At-
torney, and

Hon. J. J. BANKS, Deputy United States Dis-
trict Attorney.

For the Respondent:

FRANK H. SCHURMANN, in Person, and
Without Counsel.

Transcript of Testimony.

Mr. HUBER.—If your Honor please, in this case the answer was filed on Friday, and it is very proper at this time the case being at issue that it be set for hearing. First I would like to ask that if agreeable to your Honor and the Doctor I would very much prefer the case be not set until this hour tomorrow morning. I was expecting certain advices from the mainland which I thought would be in the mails

which reached [91—1] here the last of the week but they did not arrive, and there is about three days' accumulation of mail reached the port or would reach the port about this hour. I inquired at the postoffice this morning and the postoffice authorities said that the boat was reported in so that it would reach here about ten o'clock with three days' accumulation of mail. Upon the receipt of these advices I will know better what I wish to ask about the time for setting the final hearing of this case, and if agreeable to the Court and to the doctor I would like very much to have the matter go over until to-morrow morning.

The COURT.—Doctor, you have no attorney?

Dr. SCHURMANN.—No attorney.

The COURT.—Then it is proper that I should say some things. Of course, this is an equity case, and that being the case there is no jury and it is submitted to the Court by the evidence and on the evidence heard by the Court. That being the case it is possible to hear it at quite different times; for instance, I can hear a portion of it now and a portion some other time so that we can get all the testimony in, and I want to give you, and of course the Government both all the opportunity to present your testimony, so it was necessary that the Government wait until it was at issue, before it could be heard, so the matter being now at issue, that is, being alleged on the one side and denied on the other, we can set the case for hearing, and while we can hear part at one time and part at another time and convenience you both still we want to set it at such a time as will con-

venience both of you. Will to-morrow morning suit you?

Dr. SCHURMANN.—Yes, sir; but if you will permit me to say a few [92—2] words regarding the setting of the time?

The COURT.—Certainly, Doctor.

Dr. SCHURMANN.—This is the most serious and solemn time of my life, doubly serious because it endangers my citizenship and also endangers the lives of my wife and her unborn child. Mrs. Schurmann is to become a mother within from five to six weeks time. She is in a delicate condition, mentally and bodily, and unless this case can be adjourned until after that event has taken place, I really must fear for the worst, or unless it is taken up and put through immediately, right now, or any time within this week.

The COURT.—Why, of course, the Court will try to hear the case speedily and do everything possible and proper to accelerate the matter so that it may be heard, but the prime consideration of the Court is the arriving at the truth of the matter and arriving at justice. The main consideration that I am concerned with is to arrive at what is the truth in regard to the matter and what the Court ought to do. Of course, these outside matters or outside considerations are matters that can be taken into consideration when it does not interfere with that main purpose. Of course it may be that circumstances may be such as would justify the Court in postponing the determination of the matter until after the event of which you speak, but I wouldn't like to say so in advance, but the thing now to do is to agree upon a time for

setting it. You said you would like to have it disposed of this week, would you?

Dr. SCHURMANN.—I would very much like to; yes, sir.

The COURT.—Well, very probably it can be disposed of, I don't know, but the District Attorney says—to-morrow morning. [93—3] did you say?

Mr. HUBER.—If the Court please, my idea was not to set the case for trial to-morrow morning, but to-morrow morning to set the time for it. The situation is simply this, it is possible that the Government will require the deposition of a witness on the mainland. Now, I thought I would know that upon the receipt of the mail that should have been here already, that I thought would be here the last of last week, and which I think will be in to-day's mail or ought to be in to-day's mail. So far as the other testimony is concerned it may be we will decide we will not want that deposition but I will know when I get the mail. All the other testimony we are ready on, requiring just so much time as it will take to subpoena the witnesses. I can just as well try the case on Thursday as a month from Thursday so far as that is concerned, if agreeable to the doctor.

The COURT.—I will give all opportunity to produce testimony for both the Government and the defendant, and therefore I will pass it for to-morrow morning. Is there any testimony that you can proceed with now?

Mr. HUBER.—Yes, the only point is if it should be determined from the mail I am expecting that the deposition will not be taken that I had in mind then

we could put on our whole case and be done with it instead of have put it in piecemeal. I can say the Government will be ready by Thursday of this week barring this question of the deposition.

The COURT.—If I understand you, if you should not need the deposition you will have your case ready next Thursday?

Mr. HUBER.—Yes, your Honor.

The COURT.—The Government says he will know by Thursday whether [94—4] he needs the deposition he speaks of.

Dr. SCHURMANN.—That will suit me.

The COURT.—And if he does not take the deposition he will be ready to close his case likely on Thursday.

Dr. SCHURMANN.—All right.

The COURT.—And if he does not close the case and wishes to take the deposition he will probably take the period you suggest, in other words, it will probably take six weeks to take this deposition?

Mr. HUBER.—Yes.

Dr. SCHURMANN.—All right, very well.

The COURT.—That being the case then, this matter will be set for trial on Thursday at ten o'clock and it will be either tried and finished on Thursday or else this deposition will be taken and sufficient time given to take it, so you can get ready to meet the issue that way, Doctor.

The Court then adjourned this cause to October 31, 1918, at 10:00 o'clock A. M. [95—5]

*In the United States District Court, in and for the
Territory of Hawaii.*

THE UNITED STATES OF AMERICA,
Plaintiff,

vs.

FRANK H. SCHURMANN,
Respondent.

**Testimony of Bernhard H. Knollenberg, for
Plaintiff.**

Honolulu, H. T., October 29, 1918, 2:00 P. M.

Direct examination of BERNHARD H. KNOLLENBERG, for plaintiff, sworn.

Mr. HUBER.—What is your name?

A. Bernhard H. Knollenberg.

Q. And where do you reside?

A. I reside at Nanakuli, Nuuanu Avenue.

Q. How long have you resided in the Territory of Hawaii?

A. I have resided here two months—two years and three months.

Q. And what has your occupation been during that time?

A. During the greater part of that time I was an attorney, employed by the firm of Frear, Prosser, Anderson & Marx.

Q. And what is your present occupation or service?

A. I am a chief petty officer, United States Navy.

Q. And how long have you been connected with the Navy, or in the [96—6] Navy, Mr. Knollen-

(Testimony of Bernhard H. Knollenberg.)

berg? A. Since January 16, 1918.

Q. Are you acquainted with the respondent in this case, Doctor F. H. Schurmann? A. I am.

Q. How long have you known him?

A. I have known him since about the 1st of January, 1918.

Q. State whether or not during the period of your acquaintance with the respondent you have had any business association or connection.

A. I have.

Q. With him? A. Yes, sir.

Q. What?

A. I was a volunteer in the naval intelligence office, that is, I had not yet joined the Navy but was acting in that capacity simply for patriotic motives and my—the chief of the department along with all the other officers had constantly had their attention brought to Doctor Schurmann and the alleged pro-German activities which he was carrying on, and the Aide for the Intelligence asked me if I knew Doctor Schurmann or knew anything of these activities or if it would be possible for me to find out anything concerning them. At that time I had had some little trouble from continuous tennis playing on hard courts with my hip and it occurred to us that it might be a favorable opportunity for finding out Doctor Schurmann's real sentiments if I could go there and have this examination and take the regular treatment which Doctor Schurmann is in the habit of giving for various diseases and injuries.

Q. Did you take any treatments from him?

(Testimony of Bernhard H. Knollenberg.)

A. I did. [97—7]

Q. When?

A. The first treatment was on January 8th, 1918.

Q. And how many treatments did you take?

A. I took approximately half a dozen treatments.

Q. And during what period?

A. These treatments extended from January the 8th, 1918, and on until about the 1st of February, that is, they extended throughout about a month.

Q. During the time that you were taking these treatments did you have any conversation with the Doctor? A. I did.

Q. And in these conversations or in any of them, did the Doctor make any statements to you in regard to the war or the subject pertaining to the war which in any way reflected upon the question of his allegiance to the United States or his sympathies in regard to the war? A. He made such statements.

Q. You may state to the Court what these statements were.

A. Well, in my opinion the following statements were—

Q. Mr. Knollenberg, what were the statements?

A. Yes, sir. I wish first of all to ask leave of the Court to refresh my memory. This is a matter of such great importance that I desire to give the exact words of Doctor Schurmann. Each time that I took these treatments I immediately went from his office to the University Club and there wrote down my notes concerning the conversation in order that there would be no possibility of any lapse of time or of mis-

(Testimony of Bernhard H. Knollenberg.)

quoting the Doctor, and if the Court will permit I would like to refresh my memory.

The COURT.—But is that necessary? I think it is permissible if you think it is better. [98—8]

A. I think it is better, so that I can give the exact words that the doctor used to me, otherwise I would only have to give the approximate language he used.

The COURT.—Well, all right.

A. On January the 18th—the 8th, in the course of a conversation which we had,—you can readily see that while I was being treated a conversation would arise,—the doctor made the following statements: “The war is practically over, the Allies,” referring to the Entente, “France and Great Britain and that alliance is simply holding out until they can throw out the sop to the people, because—”

The COURT.—January 8th of this year?

A. Of this year. Because the powers now realize how hopeless it is to ever beat Germany now, that the iron ring is broken by Russia’s defection. A further statement on that day was that the Allies need expect no further help from Australia, she is through with the war.

The COURT.—When was that statement made?

A. That was on the same day, too, your Honor.

The COURT.—The same day?

A. Yes, sir. The next treatment was on January 13th, 1918. At that time Dr. Schurmann stated that, “it is hopeless for the Allies to beat Germany; peace is, therefore, now in sight any day.” At the same time, Doctor Schurmann made the statement to me

(Testimony of Bernhard H. Knollenberg.)

that he was sorry he had not given a certain professor, whose name he did not give to me, one hundred copies of the book—may I ask the exact title of that book, Mr. Huber, of Doctor Schurmann's?

The COURT.—You are repeating his language, Mr. Knollenberg?

A. Of the book, and the book we had talked about was a book which [99—9] Doctor Schurmann had written, "The War Through German Eyes" is approximately the title. Now, I continue the exact language: "That he was sorry he did not give this Professor a hundred copies of the book, now that he had thought over the matter." I should state that at a previous time so as to indicate the significance of these statements, he had, it seems, been requested for one hundred copies of this book, and had not given it to them, because of fear of the Federal authorities who had given him warning not to distribute the book. On this same date, January 13th, 1918, Doctor Schurmann stated that Australia will declare her independence of Great Britain rather than furnish further aid to the war. On this same date, he gave to me a copy of a song which he had written, entitled, "It's a Long and Rocky Road to Berlin." I would put a copy of this song in evidence, if the District Attorney so desires.

Mr. HUBER.—I will call for that later, please proceed.

A. All right. The next visit was on January 16th, 1918. On this visit Dr. Schurmann made the following statement, I had better quote it here, "that he had

(Testimony of Bernhard H. Knollenberg.)

every reason to believe that there are no less than one hundred thousand Germans who have fled to Mexico, now is the time for every Mexican to show their mettle." I don't know whether it is legitimate, or whether the Court desires it, but I inserted in here the surrounding circumstances which led up to these statements, or whether you prefer to—

The COURT.—Well, the District Attorney, of course, is conducting the examination.

Mr. HUBER.—At this time, just proceed with the statements, Mr. Knollenberg. [100—10]

A. When the Dutch men-of-war—this is the second statement on the same date,—when the Dutch men-of-war "Zeeland" and "von Tompke" were in port a couple of months ago, Doctor Schurmann spoke with the officers of both vessels, of each vessel. Of course, he would say, "I spoke." Those on the "von Tompke" were anti-German, having just come from Batavia where the only news that arrives comes through Croyden, British sources. The officers of the "Zeeland" were all very pro-German, this vessel having just come from Holland, and were unanimous in saying that they were anxious to get into the war, on the side of the Germans. On this same visit, Doctor Schurmann told me of a—these are his words—"clever joke which he had recently played." He had put up one of the service flags issued by a local newspaper with three stars. The stars were for his brothers who are serving in the German army. An English friend of his advised him to take the flag down, which advice he felt he had better follow. There was again com-

(Testimony of Bernhard H. Knollenberg.)

ment at this time in which Doctor Schurmann said he felt certain that the war was about over, because of the fact that Russia had now been lost to the Allies.

The COURT.—Mr. Knollenberg, you say that you, at that time, were in the Navy, a petty officer in the Navy?

A. I was,—during the first two visits I was simply a volunteer in the office of the Naval Intelligence. I had decided to go into the work about the 1st of January, but I had not yet been sworn in.

The COURT.—Very well, go ahead with the examination, Mr. District Attorney.

Mr. HUBER.—Have you stated, Mr. Knollenberg, such of the conversation as you recall having had during these several visits [101—11] or upon the war and the doctor's sympathies and questions that would naturally reflect his allegiance? A. Yes, sir.

Q. Now, I wish you would state to the Court the circumstances under which these several statements were made, if there was anything connected with the circumstances that would make them in any way—well, just tell what they were.

A. Yes, sir. Well, I wish to say first of all that at the time I went there, there had not yet been passed this law whereby a proceeding in equity, whereby citizenship might be taken away if certain facts were proved. I say at the time I first made these visits to Doctor Schurmann there had not yet been a law passed whereby an alien could be denaturalized, and I thought that the material I would be gathering would be used toward a charge of treason, if any,

(Testimony of Bernhard H. Knollenberg.)
against Doctor Schurmann. I thought that would be the only possible charge. I had been very much incensed, because of the outcry that had been made against Germans, irrespective of what their real feeling might be, and I went to Doctor Schurmann with almost a heart of getting such evidence that I thought it possible I could get, and I went with an openness of mind that I imagine would be unusual in one working in this sort of work, because, as I say, in the first place, I thought if I did get any material it would be for such a very, very grave purpose that I was most careful not to make any leading statements or anything of that nature which might lead Doctor Schurmann on.

The COURT.—You never induced him to make any statement by anything you said, you say?

A. Exactly. I can see for a man going before a physician, or a lawyer, or any other, it is easier for him to escape than to [102—12] start an argument, and if I had made strongly pro-German statements myself, and the doctor simply chimed in, why, it would have been a different matter. I was careful to make no such leading statements myself, and while I, at no time, made any anti-German statements I at no time made pro-German statements, and these were all statements which came of Doctor Schurmann's own volition that I have here read to the Court. Furthermore, while I have given the exact words of Doctor Schurmann as I recalled them after the few minutes that it would take me to go over and jot them down at the University Club; of course, these were not all

(Testimony of Bernhard H. Knollenberg.)

of the statements that were made. These were only those which seemed to me to be of a more or less decisive and succinct nature which could be tabulated. The entire impression which I gained from Doctor Schurmann's statements was that he was in sympathy with Germany rather than with the United States. I took this testimony here, these statements here, almost a year after the United States had entered the war. I did not feel that Dr. Schurmann had an enmity to the people of the United States, or to the Government so much as he had love for Germany, which was a greater love than that which he bore to the United States. That was my entire feeling throughout this series of interviews, that he had been unable—

The COURT.—You mean that is the impression he created in your mind?

A. Yes, sir; the general impression created on my mind was that Doctor Schurmann had retained a love for Germany which was greater than his love for the United States, and that rather than any definite hatred for the United States, it was this paramount love for Germany which led him to make these statements [103—13] and to make many others of like tenor to me.

The COURT.—Did he know you were an officer in the Navy at that time?

A. He did not. I told him that I was an attorney, and I was.

Mr. HUBER.—Will you mark this as Government's Exhibit "A"?

(Testimony of Bernhard H. Knollenberg.)

Q. Mr. Knollenberg, I will ask you to look at this card marked Government's Exhibit "A," and ask you to state whether that is the poem entitled, "Its a Long and Rocky Road to Berlin," which you referred to that Doctor Schurmann gave to you.

A. Yes, sir; this is the copy handed to me by Doctor Schurmann.

Q. And did the doctor state to you at that time who the author of it was?

A. He said that he was the author.

Mr. HUBER.—The Government offers in evidence exhibit "A." You may cross-examine the witness, Doctor, if you care.

Cross-examination of BERNARD H. KNOLLENBERG.

Dr. SCHURMANN.—Mr. Knollenberg, you realize that you are under oath? A. I do.

Q. Do you recollect that during one of these interviews with me, you told me you were forgetful?

A. I am.

Q. Yes, all right, a very good admission. And didn't you apply for the Officers' Training Camp?

A. I did.

Q. Didn't you fail to pass there to become an officer? [104—14] A. I did.

Q. Why? Because you were forgetful, because you didn't know what you were saying or doing, and there you stand and make statements against me, being so forgetful and erratic.

The COURT.—You must not argue with the wit-

(Testimony of Bernhard H. Knollenberg.)

ness, Doctor. You may ask him any questions you wish, but you cannot argue with a witness on the witness-stand. You can argue with me later on, but as far as this witness is concerned now, you are permitted to ask him any questions that relate to the matters about which he testified and about which the prosecution has questioned.

Dr. SCHURMANN.—Very well, your Honor.

Q. I will ask the witness, now, if he did not admit he was forgetful, and he said, yes? A. Yes.

Q. And still forgetful, one of your failings?

A. It is.

Q. When you came to me on January the 8th, you made the statement, you said you came to me on January 8th, but you didn't come to me on January the 8th or the 9th, but you came to me on January—

The COURT.—You are not to dispute the witness' word, or argue with him on the stand. You can ask any questions, Doctor, about this matter, and if you want to, you can testify yourself when he came, but you are not to dispute with him or any thing of the kind.

Dr. SCHURMANN.—All right. Mr. Knollenberg, will you admit that when you came to me you were biased, biased because you had entered a new field of labor in the Intelligence Department there, and as a Sherlock Holmes, you wanted to make good? [105—15] A. I did not.

Q. You wanted to make good?

A. I wanted to make good, but I do not admit that

(Testimony of Bernhard H. Knollenberg.)

I was biased. I admit the second part of the question.

Q. Mr. Knollenberg, didn't your superior officers and your comrades deem you erratic in your ways and manners?

A. I don't know, as to their opinion.

Q. Mr. Knollenberg, did you not forget on various occasions to put on your leggins and omit other things there? A. I did.

Q. Mr. Knollenberg, when you came to my office, did you not commence to argue about the war with me? A. I did not.

Q. Mr. Knollenberg, wasn't almost your very first words a matter of complaint against the feeling of the people here when you stated you came from the East where the feeling against the Germans and German-Americans and those of German blood were entirely different from what they were here?

A. I did.

Q. Didn't you thereby try to induce me to say something? A. I did not.

Q. Mr. Knollenberg, did you not say that you saw my book in one of your friends' houses—

A. I did.

Q. —and that you read therein certain paragraphs? A. Yes.

Q. Mr. Knollenberg, did you not request me to sell or loan you my book?

A. I did not, I requested you to let me read your book in full.

(Testimony of Bernhard H. Knollenberg.)

Q. Did you read that book in my office? [106—16]

A. I did.

Q. Wasn't the principal reason I let you read that book because I wanted an attorney's opinion?

A. It was not.

Dr. SCHURMANN.—I have nothing further to say.

Mr. HUBER.—That is all.

The COURT.—Let me get this thing in my mind.

Q. On how many different occasions did Dr. Schurmann discuss with you or make any statements to you concerning the war, that reflected his feelings in regard to it?

A. On either four or five occasions.

Q. Either four or five occasions? A. Yes, sir.

Q. Now, when was the first occasion on which he made any statement? A. January the 8th.

Q. Of this year?

A. Of this year. He states it is the 9th or 10th, and I was not entering into an argument on that subject, but within the first two weeks of January. I think it is immaterial to the Court. The war did not intervene in these two weeks, but January the 8th I have stated, and I think it is correct.

Q. Now, did you begin the conversation with relation to the war, or did he begin it, that portion of it that related to the war?

A. My impression is that Dr. Schurmann began that conversation.

Q. Are you sure about that?

(Testimony of Bernhard H. Knollenberg.)

A. I am sure that I made no pro-German statements. It is possible that I may have said: "Well, it is interesting war news to-day."

Q. Yes, in other words, you may have stated the subject of the war, but you did not, if I understand you, you did not make any statements?

A. What, in Court parley, would not be leading statements.

Q. In other words, you may have brought up the subject of the war, [107—17] but what you said, you say, did not induce the particular statements that he made? A. Precisely.

Q. Well, where were you when these statements were made?

A. I was in Doctor Schurmann's office, where he gives treatments.

Q. Was that the first day you were there as his patient? A. It was.

Q. Were you there, then, as his patient, at that time the statements were made were you there as his patient? A. Yes, sir.

Q. Is there really anything the matter with you?

A. Not seriously the matter. Yes, sir; there was this trouble that furnished, if I may state, a legitimate excuse for going to Doctor Schurmann.

Q. You say you did not know Doctor Schurmann before that time?

A. I did not. I knew who he was at the time; he was pointed out to me, but I did not know him.

Q. Did you pay him as a physician? A. I did.

(Testimony of Bernhard H. Knollenberg.)

Q. How long were you to go, how long were you under his care as a patient?

A. Approximately a month.

Q. Did he diagnose your case? A. He did.

Q. Made an examination of you? A. He did.

Q. Show that you needed medical—rather, that you needed the services of an osteopath?

A. I should state in all fairness to Doctor Schurmann that he stated to me: “I can find nothing seriously wrong, but I do see, however, that—” I had told him also that I had stomach trouble, which I thought might be caused by this, and he noticed, too, that I had stomach trouble. He said, “I don’t note any [108—18] injury, but I am sure my treatments will be of general benefit to your health,” and he was very careful in his diagnosis. Professionally I must state that Doctor Schurmann’s whole attitude was one which impressed me very favorably.

Q. Yes, so you did not gain any unfavorable impression from him, from his attitude?

A. As a professional man?

Q. Yes. A. No, sir; I did not.

Q. And nothing, but what you—you felt nothing to criticise in that attitude?

A. No, sir; he seemed to be honorable in his profession, to me.

Q. Well, did you misrepresent your case to him any at all in order to become his patient?

A. I did not.

Q. In other words, you just let him examine you?

(Testimony of Bernhard H. Knollenberg.)

A. I showed him it was my—it was simply jolting on the tennis court. I play tennis almost every evening, and it was so, and I realized that if I went with something that was untrue, I would not be able to talk intelligently about it, that was the reason.

Q. Well, now, after Doctor Schurmann made that statement which you say he made that first time you went, how long after was it you wrote it down or made your memoranda of what he said?

A. It was within half an hour after I left Doctor Schurmann's office.

Q. Well, when you wrote it down, did you write the exact language that he gave you?

A. As near as I could remember it, within a half an hour, yes, sir.

Q. As nearly as you could remember it, within a half an hour after he made it. Well, now, Mr. Knollenberg, are you willing to swear positively that the statement that he did make was in substance [109—19] and effect what you have—what you did write?

A. In substance and effect I am willing to swear to it.

Q. That so far as the substance of what he said was concerned, that it is there? A. Yes, sir.

Q. And I believe, if I understand you correctly, you say that is also the words as near as—

A. Within half an hour, as I could remember in that short space of time, yes, sir.

Q. Now, let me get that statement; I did not catch the first statement you say he made. Let me get that.

(Testimony of Bernhard H. Knollenberg.)

A. "The war is practically over." On the 8th that was.

Q. What else on that day?

A. "The powers realize how hopeless it is to beat Germany. The Allies need expect no more help from Australia."

Q. That was the substance of that conversation?

A. Yes, sir.

Q. Well, was there any other statement that he made along the same lines at that time, or was that just the substance of the general statements that he made?

A. Why, I put down each time as near as I could remember, one definite statement that he made, and his conversation was of the same nature as—

Q. All right; now, when was the second time he made any statements?

A. The second time was within a week. I have noted down here that it was January the 13th.

Q. Well, when did you note it down?

A. I noted it down at the time.

Q. At the time the conversation occurred?

A. At the time I took the notes. [110—20]

Q. Well, how long was it after the conversation occurred that the notes were made?

A. Within half an hour after the completion of the conversation, the treatment, I should say.

Q. Was that also at the time when you had the treatments? A. Yes, sir.

Q. Where was that conversation, at his office?

A. At his office, the second one, too. I held no con-

(Testimony of Bernhard H. Knollenberg.)

versation with Doctor Schurmann except in his office.

Q. Did all of the conversations which you have repeated occur at his office? A. Yes, sir.

Q. And each time you made your memorandum within a half an hour, you say, after the conversation was concluded?

A. Yes, sir; that is what I wanted to say, after the treatment was concluded. It may have been that the conversation took place in the early part of the treatment, so therefore it might have been as much as an hour, but within a half an hour after the treatment was concluded.

Q. Well, do you know what brought up the subject in the first conversation? A. I do not.

Q. Do you know what brought up the subject in the second conversation?

A. No, sir; except that each time there would usually be a newspaper there and one or the other of us would come in and talk as two men normally do, talk about the war and how it is going.

Q. Well, what was that second statement now?

A. "Hopeless for the Allies to beat Germany, and that Australia will declare her independence rather than furnish further aid [111—21] to England," and he gave me a copy of the "Rocky Road to Berlin" song.

Q. That is the second conversation, the second conversation when he gave you a copy of "The Rocky Road to Berlin"? A. Yes, sir.

(Testimony of Bernhard H. Knollenberg.)

Q. Well, did he ever inquire how you felt about the war?

A. No, nor did I ever put the question to him directly: "Well, you are pro-German or pro-American," and he never asked me.

Q. But the second conversation was the 13th of January, hopeless for the Allies to win the war, after the other statements which you quoted. Have you quoted in your answers here all the conversation as you have it in your memorandum?

A. I have quoted my memorandum.

Q. I see, in your answers you quoted your memorandum? A. Yes, sir.

The COURT.—Either side can, if they wish, decide to have this memorandum filed here as an exhibit in the case. Wherever a witness has refreshed his memory from a memorandum the Court can order it filed if it is desired. Of course, if you do not, why he can keep it. All right.

Q. Now, when was the third, Mr. Knollenberg?

A. The third was on January 16th.

Q. And at his office? A. Yes, sir.

Q. And the fourth also?

A. The fourth, I do not recollect the exact date because at that time I was attempting to find out specifically about a matter with which the Department was interested in and Doctor Schurmann did not make any statement regarding it and I made no memorandum of it so I cannot state the exact date, your Honor, but it was sometime in January, however. [112—22]

(Testimony of Bernhard H. Knollenberg.)

Q. Now, just what did you say that statement was with reference to a certain professor?

A. Yes, sir, that a certain professor from Australia had requested books from Doctor Schurmann and that Doctor Schurmann had not given them to him.

Q. He said—Doctor Schurmann told you that a certain professor—did he name the professor?

A. He did not.

Q. From Australia, had requested some of his books? A. Yes, sir; one hundred copies.

Q. A hundred copies of his book?

A. Yes, sir; and that he did not give them to him because of fear of getting into trouble with the Federal Government, that he had been warned not to give them and naturally did not like to take a chance of disobeying that notification. And at a later time he told me he was sorry he had not given the books but did not state the reason for his being sorry.

Q. Now, this is two separate conversations, in one conversation with you he told you that a certain professor had requested these books and so forth, and in a later conversation, at another time, he said he was sorry he didn't let the professor have the books

A. Yes, sir.

Q. When was it—what else—did he give the reason why he was sorry he hadn't let him have the books?

A. No, but the general opinion I—

Q. I don't want your opinion, I want what he said, if he said anything, as to why.

A. No, I can't state at this time exactly what he said, if I could give my opinion I could— [113—23]

(Testimony of Bernhard H. Knollenberg.)

The COURT.—That is not permissible, if you remember what he said, all right. Do you wish to ask any further questions, Doctor?

Dr. SCHURMANN.—No further questions.

Mr. HUBER.—Nothing further.

The COURT.—That is all.

Mr. HUBER.—Now, if the Court please, in regard to the subsequent hearing, inasmuch as the time for the Government to take depositions or procure the attendance of witnesses from the mainland, it would run into the time when the doctor stated yesterday concerned his wife, and for the reason your Honor understands he would not like to begin this trial, I am willing for my case to be set at a time that will accommodate the Government, with the doctor's reason being taken into consideration, I would say that a month ought to be a reasonable time for the Government, although since learning this afternoon of the United States Attorney's illness over there it might make some little difference, as I know it is being handled by the United States Attorney personally.

The COURT.—How about Thursday?

Mr. HUBER.—No, I think it would be better from both standpoints, of the Court and the Government, in the interest of the case, that when it is taken up again it be concluded. While I know an equity proceeding, the procedure under which your Honor is hearing this case permits piecemeal testimony, it is never to the advantage of anyone connected with the trial of a case to have it tried piecemeal.

The COURT.—Well, what time do you suggest it be postponed until?

Mr. HUBER.—I would want, so far as the Government is concerned, thirty days. [114—24]

Dr. SCHURMANN.—Thirty days is not sufficient for me, because my wife will be confined in five weeks time. Either now, or shortly after Christmas she will be on her feet. I am willing to go ahead right away.

The COURT.—If it becomes necessary to take any depositions you can take the depositions, or as a matter of fact I suppose the doctor ought to know. We will continue this matter over for sixty days. [115—25]

In the United States District Court, in and for the Territory of Hawaii.

THE UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANK H. SCHURMANN,

Respondent.

Honolulu, H. T., December 23, 1918.

On this 23d day of December, A. D. 1918, an order of continuance was made, agreed to by both of the parties hereto, continuing the further hearing of this cause until the 6th day of January, A. D. 1919, at 10:00 o'clock A. M. [116—26]

*In the United States District Court, in and for the
Territory of Hawaii.*

THE UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANK H. SCHURMANN,

Respondent.

Honolulu, H. T., January 6, 1919.

Mr. HUBER.—If the Court please, at this time I wish to offer in evidence this book entitled "The War as Seen Thru German Eyes," by Doctor F. Schurmann, the respondent in this case.

Dr. SCHURMANN.—If it please your Honor, I most respectfully make the request that before the evidence for the Government is taken I be permitted to present first my demurrer.

The COURT.—All right, Doctor, proceed.

Dr. SCHURMANN.—By this demurrer I will endeavor to show to your Honor that the Bill in Equity does not contain facts whereby this Honorable Court can take away my American citizenship. I respectfully submit to your Honor that the allegations of Mrs. Jannette Ryan in the complaint, that I in March, April and May, 1918, made statements which it may appear that I did not give up wholly my allegiance to the German government and Emperor Wilhelm, former Emperor of Germany, cannot make void the oath which I took in 1904, in the Superior Court of Los Angeles, because whatever I may have said in March, April [117—27] and

May, 1918, cannot affect my oath of fourteen years ago, and I therefore state that such allegations cannot constitute a ground for taking away my American citizenship. I do now say that when I took my oath I meant every word and sentiment uttered, and have continuously meant it, every word, and do now and forever hold sacred the oath, every word and syllable which I took in 1904. Was there anything or any reason for me to make my oath half-hearted, wasn't the relationship between America and Germany fourteen years ago of the very best, and for this Honorable Court to cancel my citizenship it must assume and conclude that when I took said oath I was then an employee of the German government and as its paid agent having knowledge or thought of a possible war between America and Germany. I respectfully submit that your Honor cannot hold because there is no such allegation in said bill and because the American people and the German people were very friendly. When I decided that it would be best for me to become an American citizen and thereupon taken said oath of allegiance my heart and thoughts were entirely American and of the American Constitution, and I thought everything American. By renouncing fidelity to the German government and voluntarily swearing allegiance to the United States of America I exchanged, metaphorically speaking, an old coat which had done a good and useful service in its days, for a newer and better one. Isn't the presumption in my favor that I took said oath in all sincerity and in a *bona fide* manner, and this presumption is good until the con-

trary is shown and proved by words, actions or deeds of mine to the contrary which must have occurred on or about December 17, 1904. I respectfully submit that this court cannot so hold because of no evidence [118—28] whatever and because of the circumstances and conditions in favor of my contention that I took said oath in all sincerity and in a *bona fide* manner on December 17, 1904. To illustrate my contention I will renew another simile. Circumstances already compelled me for years to smoke an Owl cigar, a good enough weed when you can't afford to buy a better one. I don't wish to say anything derogatory against the Owl cigar. More favorable circumstances gave me access to the Bobby Burns. Would I, or you, or anyone go back to the Owl or Pittsburg stogie when you had a better weed, a Bobby Burns or a delicious Havana? No, it is against human nature. If Mrs. Ryan had stated that I made derogatory utterances against the United States of America at the time I took my oath of allegiance, December 17, 1904, then it would be different, but not so, it was fourteen years afterwards, and therefore I contend that all of these allegations of Mrs. Ryan or of any of the witnesses you may produce cannot be heard against me on these allegations. The said allegation and testimony may be used against me perhaps on a trumped-up criminal charge as for the purpose of taking away my American citizenship. And had I falsified—offered witnesses to falsify as to the term of my residence in America, as was done in the case of Johansen against the United States, 225 U. S., page 227, or had my witnesses not appeared

in open court to testify in my behalf, as was done in *United States vs. Nesbit*, Fed. Report 168, page 1005, or had I not resided continuously in the United States for the required period as was done in *United States vs. Simon*, Fed. Reporter, folio 170, page 680, or had I not completed the proper time of residence before taking out my first papers, as happened in *United States vs. Luria*, Folio 184, Fed. Reporter, [119—29] 643, or had I induced another person to take my oath, as was done in *United States vs. Mausour*, 671 Federal Reporter, 170, then I say my papers should be cancelled, but you have not shown, nor will you ever be able to produce evidence that I did not fully comply with the requirements and conditions which the United States demands from its applicants for citizenship. But now comes what appears to me as the most important ruling of the United States Court supporting my contention, and that is this, in *United States vs. Spohrer*, folio 175, Federal Reports, page 448, the following appears: (Reading:) “That it must be made to appear that fraud was practiced in the very act of obtaining the judgment.” Can your Honor then cancel my certificate of citizenship on the affidavit of Mrs. Ryan or on the testimony of others who did not even know me fourteen years ago? Does Mrs. Ryan or the other witnesses claim that the alleged derogatory statements of mine were made at the time of obtaining the judgment, that is, fourteen years ago? To make affidavit against me, should not Mrs. Ryan have stated that I made statements on or about December 17th, 1904, and not in 1918? Furthermore, the said Bill in Equity does not contain

the express charge or allegations against me as were given in the cases recited, and for this reason it is also demurred. Therefore I respectfully ask that your Honor sustain my demurrer, and rule for me.

Argument by Mr. Huber.

The COURT.—I overrule the demurrer, proceed with the evidence.

Mr. HUBER.—I now renew the offer on the part of the Government to place in evidence this publication entitled, "The War as Seen Through German Eyes," A Perspective, by Doctor F. Schurmann, the respondent in this case. [120—30]

Dr. SCHURMANN.—I object. That book was written and printed before the United States went into the war with Germany and has no bearing on the case whatever. I was given authority by Congress, a copyright of the book. It has been circulated through the mail, and was printed by the "Star-Bulletin" here, who would be liable to accusation also if that book had any bearing on the case whatever. It states plainly it does not mean through my eyes, but is extracts from American papers principally, and has nothing to do with this case whatsoever.

Mr. HUBER.—I have laid no predicate for this book. I supposed he would admit the authorship.

The COURT.—Of course the objection of immateriality is invalid. Do you admit writing the book?

Dr. SCHURMANN.—Yes, sir.

The COURT.—The objection is overruled, and the book is admitted on the admission of the doctor that he wrote the book, which dispenses with the necessity

of having to prove that you wrote it. You *write* the original and had the book printed?

Dr. SCHURMANN.—Admitted, your Honor.

The COURT.—Then the book is admitted.

(Admitted in evidence as Government's Exhibit "B.")

Testimony of R. E. Holliday, for Plaintiff.

Direct examination of R. E. HOLLIDAY, for plaintiff, sworn.

Mr. HUBER.—What is your name?

A. R. E. Holliday.

Q. Where do you reside?

A. Pahao Avenue, Kaimuki.

Q. How long have you been a resident of Honolulu and the Territory of Hawaii? [121—31]

A. Over two years, two years the 25th of December last.

Q. What is your occupation? A. Accountant.

Q. By whom are you employed?

A. Audit Company of Hawaii.

Q. And how long have you been in their employ?

A. Almost two years.

Q. Are you acquainted with Doctor Schurmann, the defendant in this case? A. I am.

Q. How long have you known him?

A. Since March, 1917.

Q. During any part of the time that you have been a resident of Honolulu did you live at the residence of Doctor Schurmann? A. I did.

Q. During what period?

A. March to August.

(Testimony of R. E. Holliday.)

Q. Of what year? A. 1917.

Q. I will ask you, Mr. Holliday, whether during your period of acquaintance with the doctor you at any time entered into a conversation with him or a discussion of the European war? A. Many times.

Q. And were those discussions or conversations of such a character as would tend to show the doctor's attitude on the war and the questions involved in the war? A. They were.

Q. Where were such conversations had?

A. In my room, or in his operating-room, or at his meal table, or on the lanai.

Q. That is the house where you were then rooming or residing? A. At his house; yes.

Q. And where was that?

A. On Beretania Street.

Q. Do you at this time recall any of the particular statements that the doctor made in *this* conversations that would have a [122—32] bearing upon the question of his allegiance or lack of allegiance to the United States? A. Yes, sir.

Q. You may state to the Court—and Mr. Holliday, let me ask that you fix as near as you can the time and place for the benefit of the doctor.

A. On Easter Sunday, in the latter part of the afternoon Doctor Schurmann and I had quite a heated argument—

Q. What year was that?

A. 1917, Easter Sunday, 1917, relative to the acts of von Bernstorff, and I contended that von Bernstorff had defiled all the ethics of honor in connection

(Testimony of R. E. Holliday.)

with his acts whilst Ambassador of Germany to the United States, and Doctor Schurmann upheld von Bernstorff saying that anything that von Bernstorff did or anything that Germany did was justified by Germany's right to be supreme; that, in other words, Germany could do no wrong in her pursuit for the power to which she was entitled, and at the same debate came up the question of the justification of the sinking of the "Lusitania," and we had some pretty heated talk about it because Doctor Schurmann upheld it declaring the inhumanity of it must be forgotten in the fact that Germany was striving for her rights, and again anything she might do or had done or would do was justified along the lines that Germany could do no wrong.

Q. Do you recall anything else that would have a bearing upon the line of this inquiry in that particular conversation on Easter Sunday of 1917?

A. Well, we had quite a long argument, I imagine it must have taken anywhere around an hour and a half or two hours. The whole gist of the talk was that America was wrong in entering [123—33] the war and Germany was right in all she might do. Doctor Schurmann was especially quick to justify von Bernstorff in his actions, and any of the actions that Germany had done.

Q. Do you recall any other particular conversation?

A. We had so many—of course until America went into the war I, being a Britisher, it was all to the effect that Germany was justified in all her acts of

(Testimony of R. E. Holliday.)

cruelty against the British and in her aerial raids being justified because Germany was fighting for her proper place in the world as the supreme ruling nation. His was the question of the right of Germany to be supreme, not individually the question whether I was right or wrong, but that the nationality of Germany should be supreme.

Q. Did you at any time discuss with the doctor his publication of "The War as Seen Through German Eyes" or did he at any time make any comment to you on it?

A. Doctor Schurmann gave me the book, but as it was written before the war I was not very much interested. I knew the attitude of Germany, and I had read several of the articles that were in that book from other papers, but a discussion as to that book I don't think came up between us except that I condemned it as being bad taste on the part of Doctor Schurmann bringing the American side to boost the war for Germany, and on Easter Sunday, too, there was a picture of the Kaiser in the room, and I think that was a few days after Germany declared war, and I requested the doctor to remove the Kaiser's picture. I think it hurt the doctor's feelings; I know it did, and I brought it up then that the Kaiser had no interest for Doctor Schurmann nor he for the Kaiser. He made the remark, "Well, that's the Kaiser," and I said, "Well, to hell with the Kaiser," and with that Doctor Schurmann took him out of my room. [124—34]

Q. He did what?

(Testimony of R. E. Holliday.)

A. He took the picture out of my room.

Q. Whose room was this in?

A. In my room, it had been turned to the wall, I had the face of the picture turned to the wall.

Q. Let me refresh your recollection, Mr. Holliday, and ask whether you recall a conversation with Doctor Schurmann in regard to this book wherein you spoke of his publishing these articles or some of the articles you had seen elsewhere and so on, when he himself added some comment?

A. We had several conversations about it, but my recollection is not very clear as to the purport of these arguments except that I claimed that Doctor Schurmann had written the book not as an excuse or anything but merely as an excuse to boost the war because it contained nothing therein but pro-German propaganda, no military arguments or ethics of commerce or anything like that, it was just a pro-German propaganda edition.

Q. Mr. Holliday, do you know of any activities of any kind of the doctor in regard to the war or any evidence of such activities having been called to your attention by him?

A. I know that the doctor showed me a gold and enameled cross given to him by the Sinn Fein Society of New York. It was given to him for services and loyalty to that society and for the propagation of its ambitions or whatever its aspirations were. He showed me that cross and wore it for quite some time.

Q. Do you know from whom that was received?

(Testimony of R. E. Holliday.)

A. From the Sinn Fein Society, Jeremiah O'Leary Society.

Q. When was it that the doctor showed you that cross?

A. That was also Easter Sunday. I believe he received it on [125—35] Easter Saturday.

Q. Of 1917? A. Of 1917.

Q. Did the doctor state to you the particular character of the services he had rendered that were so recognized?

A. No, but he said it was not given to him for nothing.

Q. Describe that emblem.

A. It is in the shape of a maltese cross, that is, a square cross. On top it bears the words, "Sinn Fein" and underneath two dates, I forget—1701, I think, I wouldn't be sure of the two dates. The cross is gold base with green enamel, I should say about two inches square.

Q. Did you see the doctor wear this emblem?

A. Oh, yes, he wore it quite openly for some time.

Q. Knowing the nature of this inquiry as indicated by the questions already asked you, Mr. Holliday, do you at this time recall any other conversation or any conduct on the part of the defendant that came under your observation?

A. Prior to America going into the war, of course his arguments were all against Britain and the impossibility of the Allies winning the war. After America came into the war it was first that America had made an error in coming into the war, and then

(Testimony of R. E. Holliday.)

it was still impossible to beat Germany. Of course, we used to get pretty hot and I used to have to leave because I am hot-headed and the doctor was very vehement and we used to have to discontinue it, but Doctor Schurmann always took the attitude of upholding Germany. I never heard him say anything detrimental to any individual like President Wilson or anything like that, but it was very apparent that his attitude was for Germany and all his heart wrapped up in Germany, and that was why I used to ask him what was the idea of being [126—36] an American citizen when every iota of his being was German and was for Germany. I never met a more able defender of Germany's wrongs or a greater enthusiast for Germany's place in the world than the doctor, that is, the peculiar position I think he took, being an American citizen and upholding Germany in everything.

Mr. HUBER.—You may cross-examine.

Cross-examination of R. E. HOLLIDAY.

Dr. SCHURMANN.—Mr. Holliday, did you ever read my articles which were published in the "Star-Bulletin" in 1915? A. In 1915, doctor?

Q. They were published in 1915.

A. I was not here then.

Q. I know, but did you ever read them? Did I not hand you some papers to peruse?

A. I believe you did write some, I believe I read them, but of their contents I am not sure now.

Q. I will refresh your memory; would you not find that I never spoke of the super-man of Germany, that

(Testimony of R. E. Holliday.)

I stood all the time for justice of all nations, that I condemned Germany for invading Belgium?

A. Doctor Schurmann, you condemned Germany for nothing; no, sir, you were for the super-man of Germany, and you defended her for her rape of the Nuns, and you defended the shooting of Edith Cavell.

Q. Do you recollect that I showed you a letter from my father in which he condemned me for looking at things from British eyes? [127—37]

A. No, he did not, he condemned you for not being over there fighting. You never saw anything through British eyes, you know that is where our heated arguments were.

Q. Do you recollect I showed you in a paper how my father condemned me for taking this attitude of justice? A. I do not.

Q. And that I condemned the invasion of Belgium?

A. The only letter I remember you showing me, as you say was written by your father, was one where he said your two brothers were in the war and he was hurt that you were not there. No, you never showed me a letter where he condemned you for looking at things through British eyes.

Q. Mr. Holliday, you mean that you have forgotten—

A. No, I would never forget that, because it would be such anomaly that I would have it impressed on my mind.

Q. The "Star-Bulletin," in which I plainly stated that Germany should retire from Belgium, that I

(Testimony of R. E. Holliday.)

even asked for a plebiscite in Alsace-Lorraine, and asked that again, I asked that in 1914 and wrote a letter to the President?

A. Well, I don't know, I wasn't here until 1916.

Q. I showed you those letters?

A. You did show me various clippings, yes, and I read the clippings, and if you have them now I can possibly refresh my memory. But you wrote the *War Through German Eyes* after you wrote these other things, you are diametrically opposite.

Q. The whole gist of it is this, that you being British, and I have no great love for Britain, I admit that, but you can never say that I said one thing against the United States of America?

A. Not individually, no, you condemned the United States of America for entering the war, and you did most emphatically [128—38] uphold the sinking of the "Lusitania." That was one thing, Doctor Schurmann, where you called me a British spy, when I went after you for that, for the sinking of the "Lusitania" you upheld, saying she carried ammunition.

Q. Was the "Lusitania" an American ship?

A. That is entirely incompetent; she was carrying American citizens.

Dr. SCHURMANN.—That is all. I am standing up for the United States, not Great Britain. [129—39]

Testimony of Mary Jane Beasley, for Plaintiff.

Direct examination of MARY JANE BEASLEY, for plaintiff, sworn.

Mr. HUBER.—What is your name?

A. Mary Jane Beasley.

Q. And where do you live? A. Honolulu.

Q. How long have you been a resident of Honolulu? A. About six years.

Q. Do you know Doctor Schurmann, the defendant in this case? A. Yes.

Q. How long have you known him?

A. I only know him two months, where I stayed, it was at his place.

Q. When did you stay at his place?

A. I think last September I left, I was there two months.

Q. 1917 or 1918? A. One year back.

Q. What were you doing while you were staying there? A. I was housekeeper.

Q. Who employed you?

A. Mr. Schurmann employed me.

Q. Now how long did you work for him as housekeeper? A. Two months.

Q. During the time you worked for him did the doctor say anything to you about the purchase of Liberty bonds? A. Yes.

Q. What did he say, tell us.

A. When I took my wages I said I was going to buy some Liberty bonds, and Doctor Schurmann, I thought, was going to knock me down. He flew in such a temper he wouldn't pay me for a long time.

(Testimony of Mary Jane Beasley.)

He stood there ten minutes calling me down, saying, "What do you want to buy Liberty bonds for?" He says, "You don't want to buy [130—40] Liberty bonds for," and so he paid me and I went away. The next morning he called me up when I was having my breakfast. He called me up and he said,—I said, "What do you want?" and he said, "Wash that soap bowl," I said, "I have washed it"; "Wash it again." I said, "Can't I have my breakfast?" and he said, "You had it," so I washed it and I went downstairs again and I wasn't down a minute when he called me up again, and I said, "What do you want?" and he said, "Fetch me water." I fetched him water, and then he kept on for the whole month, tormented me to death.

Q. What had his attitude been to you prior to that time?

A. Oh, good up until the time I said I was going to buy Liberty bonds, and that's what done the job.

Q. Now, did he say anything else about bonds than what you have said? A. No.

Q. Let me refresh your recollection; did he say anything about the value of the bonds?

A. Oh, yes, that's right.

Q. What did he say?

A. If you buy a hundred dollars worth of bonds you will have to sell them for fifty dollars.

Mr. HUBER.—That is all.

(Testimony of Mary Jane Beasley.)

Cross-examination of MARY JANE BEASLEY.

Dr. SCHURMANN.—Mrs. Beasley, were you with me in September, 1917, or September, 1916?

A. Well, one year ago.

Q. I think myself that Mrs. Beasley was with me in 1916, long [131—41] before the United States entered the war, and England was at war with Germany, and if you refresh your memory you will find that is true. Where did you spend last Christmas?

A. At the Melville. I left you just before then.

Q. That was 1918 or 1917? 1917, Christmas, you spent 1917 Christmas there?

A. Not this year, but a year ago I spent it at the Melville, and I went there about a month after I left you.

Q. When was it that you came to my house, can you recollect that? A. I told you once, did I not?

Q. What date did you enter my employ?

A. I really can't say what day it was, but I was with you two months.

Q. How long was the war going before you came to me, how long since Great Britain went into war with Germany was it, about two years?

A. Something like that, I think.

Q. Did you ever buy Liberty bonds, did you buy any Liberty bonds?

A. That's nothing to do with you whether I did or not.

Q. I am asking you.

A. That has nothing to do with you if I bought or not.

(Testimony of Mary Jane Beasley.)

The COURT.—Answer the question, Mrs. Beasley.

A. That has nothing to do with him whether I bought them or not.

Q. But that is a matter for the Court to decide.

A. If I like to buy Liberty bonds I'll buy them, I am not going to tell everybody.

Q. Well, you must answer that question, did you buy any Liberty bonds?

A. Never mind whether I did or not, I am not likely to tell people what I did. [132—42]

Dr. SCHURMANN.—I must repeat the question, as I never heard Mrs. Beasley say anything about Liberty bonds, I would like to know, did you buy bonds?

A. That's nothing to do with you.

The COURT.—Mrs. Beasley, this is a matter that whenever you are asked anything by the Court you must answer the question or I will have to fine you severely. You must answer the question or pay a fine, that is material.

A. I was putting on my hat and jacket and I was going out from Doctor Schurmann's house after he paid me the day that—

Q. But the question now is, Did you buy Liberty bonds yourself?

A. My son has bought them for me.

Q. My—what is that?

A. My son has bought two hundred and fifty dollars for me.

Q. The question is, Did you buy any?

A. No, but I was going to buy them and my son

(Testimony of Mary Jane Beasley.)

bought them for me, two hundred and fifty dollars worth.

Dr. SCHURMANN.—That is all, Mrs. Beasley.
[133—43]

Testimony of Janet Ludwig, for Plaintiff.

Direct examination of JANET LUDWIG, for plaintiff, sworn.

Mr. HUBER.—What is your name?

A. Mrs. Janet Ludwig.

Q. Where do you live?

A. 1536 Kewalo Street.

Q. And how long have you resided in Honolulu?

A. One year and three months.

Q. Do you know the defendant, Doctor Schurmann? A. Yes, sir; I do.

Q. How long have you known him?

A. I have known him for—I went to work for him the 27th of March and stayed there until the 1st of October.

Q. What year? A. 1917—1918.

Q. Now, is that the period you knew him, did you know him before you went to work there?

A. No, sir; I did not.

Q. In what capacity did you work for Doctor Schurmann? A. Housekeeper.

Q. Did you work for him continuously from March until October of this year? A. Yes, I did.

Q. Now during that time did you have any conversation with the doctor relative to the war and his attitude toward the war?

(Testimony of Jane Ludwig.)

A. We were always talking about the war, but as he stated in the first place he thought my name was probably German but I told him I was not. Well, I don't know why he talked to me the way he did but his attitude was always for Germany at all times.

Q. Now, Mrs. Ludwig, you say his attitude was always for Germany. [134—44] Now what was the attitude that caused you to reach that conclusion, that is what the Court wants to know.

A. Well, when I went there at first he gave me his book to read, "The War as Seen Through German Eyes," and he told me I could read it any time I wanted to. He also told me he had smuggled these books over to Australia. In his front room on Bere-tania Street he had quite a number of the Kaiser's pictures, and he had them also in the room on Union Street. I did not like the pictures, and I told him there would be trouble with the roomers, that they wouldn't like the pictures, but he kept the pictures in these rooms until one day a soldier and a sailor came to room there and they told me to tell the doctor to take them down or they would smash them. I carried the message to the doctor and the doctor asked my advice about it and I told him it was the safest to take them down. He said he would fool them. He showed me some uniforms in a small room around on Union Street, stating that they were German uniforms. I asked him whose they were, and he said his own.

Q. You asked what?

A. I asked him whose they were and he said his

(Testimony of Jane Ludwig.)

own, and he prized them very highly but if the public should find out that he had them the chances were that he would be punished. He continually would ask me if I had seen the paper and what the news was, and if the Americans were winning. In the first place did he say that America was doing wrong, doing the wrong thing to venture into the war because she could never win as Germany had supplies and ships that would last for years to come. He would study all the news, and when the papers would state that the Americans were winning, he said, "There is another pack of damned lies, the American papers are nothing but liars." When [135—45] the papers would state that the Germans was winning he would say, "I told you so, no country can whip Germany." Well, as time went on, the pictures were being shown at the "Bijou" by Ambassador Gerard and the papers were full of news concerning these pictures and he did nothing but walk around very much excited stating it was nothing but a pack of lies. He said that evening that he would go down and see the pictures himself, he made this remark to a friend, not to me, but I was very near.

Q. Did you yourself hear him, Mrs. Ludwig?

A. I did hear the remark?

Q. Yes, don't tell anything but what you heard yourself.

A. Well, he didn't tell it to me, but I heard the remark. He said, "I will go down to the show myself to-night," which he did, and the next morning I heard him making the same remarks again regarding

(Testimony of Jane Ludwig.)

the show, and he said of course it was nothing but a pack of lies, there was never any such a thing ever carried on in Germany. Oh, well, he said several things in regard to that. He stated on his way home there was quite a crowd of men followed him cursing him and spitting on him, that angered him very much, and he said, "If I had had that hand bomb I instructed you to make I would have carried it in my hip pocket and when they showed these pictures and that crowd commenced to hiss and roar at me I would have taken that bomb and thrown it into that damned crowd and blown those sons-of-bitches all to hell, just what they needed."

Q. When did you hear him make that statement, Mrs. Ludwig?

A. While the pictures were going on at the "Bijou," I can't tell you exactly the date, it was the morning after he saw the pictures, though. [136—46]

Q. Where was he when he made that statement?

A. Just outside of my room.

Q. In his house on Beretania Street?

A. Yes. Oh, he told me many times never to waste my money on Liberty Bonds. He told me also that he was going to contrive some way to get over to Mexico, that he knew then that he would be all right. He also stated that if he could possibly get over to Germany he intended to be a surgeon in the hospitals there. I did not stay very much longer after that because I had reasons of my own and I think he mistrusted me as being a spy.

(Testimony of Jane Ludwig.)

Q. Do you recall anything else, Mrs. Ludwig, on the line of this inquiry? Let me ask you this question: Did all of these statements you testify as hearing the doctor make, were all of these statements made in and about his home in Beretania Street?

A. They certainly were.

Q. And during the period you worked there?

A. Yes, sir, they were.

Q. Have you any children, Mrs. Ludwig?

A. Yes.

Q. What are they doing?

A. One belongs to the 82d Infantry, and the other works at Pearl Harbor, in the Supply House.

Mr. HUBER.—That is all, you may cross-examine.

Cross-examination of JANET LUDWIG.

Dr. SCHURMANN.—Mrs. Ludwig, do you recollect that your son, a [137—47] soldier in the United States of America, in the army of the United States, was a frequent visitor at my house? A. Yes.

Q. Did I not always treat that boy most handsomely and with respect?

A. Yes, you did in some ways, but you always passed some slighting remark, "I hope you win."

Q. Did I not entertain other soldiers in my house all the time?

A. You surely did, but you refused—

Q. Answer the question.

A. Yes, sir; you did.

Q. Did I not always treat these boys right?

A. I presume you probably did, while you were there.

(Testimony of Jane Ludwig.)

Q. Did I ever say anything to the soldiers to this effect, that they shouldn't fight for the United States?

The COURT.—Don't exhibit any temper towards the witness, Doctor.

Answer the question.

A. Read it again, please.

(Last question read.)

A. I couldn't say that you did, in my presence.

Dr. SCHURMANN.—Did I not, on the contrary, advise them to do their duty all the time and forever?

A. Well, if you did I didn't hear it.

Q. Do you perhaps recollect that I told you of a young Englishman by the name of Singer who roomed in my house, and I helped him to get away to Serbia because I admired his patriotism, no matter whence they came?

A. No, Doctor, I never heard that.

Q. Did you ever hear me say anything derogatory towards the United States?

A. I can't say but what you did many times, really, you said your heart and soul was with Germany and why wouldn't it be there [138—48] when all of your relations were fighting in the war.

Q. Did I ever say to you that I did not believe America would win?

A. You said that the Americans would not win, that the papers were full of lies, the American papers were nothing but liars.

Q. Did you ever mention to me the question of

(Testimony of Jane Ludwig.)

Liberty Bonds at all? A. Oh, yes, Doctor.

Q. When, and on what occasion?

A. Oh, many times I told you if you would just pay me a little more wages I might probably buy some Liberty Bonds, but when you paid me twenty dollars a month and I had to eat out of that twenty dollars a month I never had nothing left for Liberty Bonds or nothing else, therefore each one of my boys has bought Liberty Bonds.

Q. Were you not perfectly satisfied with the money you were getting from me?

A. No, Doctor, I was not.

Q. Did you ever entertain thoughts of buying Liberty Bonds? A. Why, yes.

Q. May I ask you what you did with the money?

Mr. HUBER.—Object to that as immaterial.

The COURT.—Yes, it is entirely immaterial.

Dr. SCHURMANN.—That is all. [139—49]

Testimony of Henry Allen, for Plaintiff.

Direct examination of HENRY ALLEN, for plaintiff, sworn.

Mr. HUBER.—What is your name?

A. Captain Henry Allen.

Q. Where do you live?

A. In the Elite Building.

Q. In Honolulu? A. Yes.

Q. How long have you lived here, Captain?

A. About fifteen years, that is, since I have been here the last time.

Q. What business are you engaged in now?

(Testimony of Henry Allen.)

A. The protective agency of Hawaii.

Q. Do you know Doctor Schurmann?

A. Yes, sir.

Q. How long have you known him?

A. Well, I have known the Doctor some years, I guess I know the doctor anyhow since about 1912 or 11.

Q. Did you ever live at his house or have a room at his house?

A. Yes, I lived in his place and had treatments in his place or business with his place.

Q. When was that, Captain?

A. Well, that would be in—I suppose 1913 or 1914, but I have had treatments with him and roomed there on three occasions, I think.

Q. Well, have you known him since the outbreak of the present war? A. Yes, sir.

Q. Have you ever heard Doctor Schurmann say anything, Captain, which would show or tend to show his attitude toward Germany in regard to the war, or his attitude towards the United States?

A. Well, him and I have had many heated arguments about the war. [140—50]

Q. About when did these arguments begin?

A. Well, I should say just after England entered the war with Germany we had many heated arguments, and also about the sinking of the "Lusitania." I been a sailor, and of course the Doctor knowing that I have sailed out of Germany quite awhile and in fact I been in German ships, and just as I remember, as near as I can get at it the first arguments we had

(Testimony of Henry Allen.)

commenced about, well, I will say it the other way, the first suspicion I had of the doctor was when the iron crosses and subscriptions for the iron crosses was got up here through Doctor Schurmann.

Q. Do you remember about when that was?

A. Well, I can't really tell you exactly what time that was but you could easily find out, because in the laundry, in that Chinese laundry down on Union Street—also in the "Star-Bulletin" he had an advertisement or an article put in by Doctor Schurmann where the iron cross, a certificate of an iron cross, rather, would be given to anyone who would contribute funds to the Red Cross of Germany. Now, why I am so sure about this is, I called my adopted boy at that time, I called him and I says now—

The COURT.—Captain, you can't relate any conversation between yourself and someone else unless Doctor Schurmann was present.

A. He comes in right after this. All right. When I seen this article, I sent my boy up, with as near as I can recollect, five dollars to contribute to the Red Cross and also for this Iron Cross certificate. Apparently my boy went up there and he gave him the money but when he came back he didn't have no receipt and he didn't have no Iron Cross certificate, so I said to him that didn't exactly look right to me. [141—51]

The COURT.—You are not supposed to relate the transactions between yourself and your boy; cut out all of this.

A. I went to the doctor and I asked the doctor, I

(Testimony of Henry Allen.)

says, "See here, Doctor, did that boy of mine give you any money?" and he said, "Yes, he give me some money, but, he says, "We have no certificates, Allen," but he says, "Here, do you want your money back?" and I says, "No, not at all, Doctor, but I do want to know that it is going to the Red Cross. Now, it is immaterial to me but I want your word that it is going to the Red Cross, as long as I know it is buying bandages and medicine it is immaterial to me what Government or country is fighting as long as it is going to the Red Cross." Now, I went away, and of course naturally I didn't exactly like the proceeding, and after this we had several arguments and I kept the doctor more or less under suspicion because his arguments were about going into the war and about the placing the war zone around the British Isles, and me being a sailor and of course I naturally was interested, and when the "Lusitania" went down he told me, he said, "Allen," he says, "Of course it's just like this," when I told him about the war zone,— "the international law, I don't see where Germany, if I am the master of a ship couldn't dictate a course to me or any other seaman what cares to sail, and I think it's wrong," and he said, "Well, I'll tell you now, it's just like this, Allen, for the 'Lusitania,' of course she's gone, and lives lost and property lost, and if we are wrong all is fair in love and war, if we are wrong we will pay for the loss of the lives and property."

Mr. HUBER.—If we are wrong?

(Testimony of Henry Allen.)

A. Yes, he meant if Germany was wrong, but he said, "If we are wrong."

Q. Yes?

A. So I am not so sure, but I think about that—I don't know [142—52] whether I ought to bring in—well, after that we had several arguments and talks because the doctor is a socialist and all his conversations with me and books are more or less on socialism, and his remarks about the great Socialist, Tolstoi, of course we had arguments and heated ones at that, until when Germany begins to get short of brass and saltpetre, because I have carried cargoes of saltpetre for Hamburg and Bremen and Cuxhaven, and then the doctor would say, "Well, you are getting no news, Allen; you are not getting the right news in this thing," but the news apparently that I would have to look up would be Hearst's papers and not magazines or anything like the "Outlook." Anything I suggested nevertheless the doctor used to take these magazines but he didn't apparently believe in me reading them. Now, coming down about the brass and saltpetre, as I was telling you, one time he called me across the street as I was going up Beretania Street and he called me over. It was in the evening, I remember quite well, and he said, "Allen," he said, "You are talking about saltpetre and how we get saltpetre," and he read me a poem as he said he composed. Well, that poem I believe appeared to me to be obscene. I walked away, and after that,—I believe I was stopping there at the time, but after that he called to me again over this matter with a

(Testimony of Henry Allen.)

friend of mine, we were always having arguments about the war but this friend of mine he happened to state, he was a friend of mine, and apparently he thinks so yet, and also the doctor, but he come over to me to my house. Now I want to say this, that the time as near as,—there is something happened that I must know and remember, about the middle, or at least the latter end of May, or it may have been the 1st or 2d of June— [143—53]

Mr. HUBER.—Of what year?

A. 1917.

Q. Yes?

A. There is a friend of mine stayed over in my home and he had some business to do down at Mr. Nelson's, the sailmakers that lived right abreast of the doctor's home on the corner of Union and Beretania Street, so he says, "Will you take a walk down with me, Allen, towards Nelson's, I got a little business there for Mr. Richards—"

Q. Well, did you see Doctor Schurmann?

A. Well, I haven't got to his home yet, but I am leaving my home.

The COURT.—Mr. Allen, cut out all the nonessentials and come down to facts now, anything that Doctor Schurmann said to you.

A. I was giving that, that was this man, and that man was there, and the doctor evidently wanted to know who this man is. Anyhow, I went to Mr. Nelson's place, and coming out of Mr. Nelson's place the doctor was sitting on the veranda and he called us over and when we went across the street the man that

(Testimony of Henry Allen.)

was with me, as soon as we got on the lanai the doctor says, "Good morning, Allen," and I says, "Good morning, Doctor," and he says, "Good morning" to this man and this man took him by the hands and he says, "Good morning, Doctor, Deutchland uber alles."

Q. What did that mean?

A. Well, I don't know. I suppose it means Germany over the Allies, and then the doctor says, "Well, have you heard the news?" and of course this man doesn't come in very often, and he says, "Did you hear the news?" and he says, "Well, I heard the news, but," he says, "There are millions of German reserves in the United States of America—"

Q. Who said that? [144—54]

A. This man that I was with, and the doctor says, "Yes, yes, but I am afraid there is going to be serious trouble," and the other fellow says, "No trouble," and then I turned around to the doctor and I says, "Doctor, is it true that thirty men of the Reichstag representing thirty million men voted for the war?" and the doctor says, "Yes, Allen, they voted for war, but the socialists, even if he is a socialist, a German is a soldier and in a crisis he's got to defend his Fatherland," and I turned around to the doctor and I says, "Doctor, you have sworn allegiance to our flag, is it possible that you will not defend our shores in this war after you swore allegiance to our flag, is it possible you will not defend our shores?" and then he told me, he says, "Well, Allen, I'll tell you. I have sworn allegiance to your flag or country but

(Testimony of Henry Allen.)

I am going to tell you this much, that I didn't swear away my birthright." I says, "You didn't swear away your birthright?" and he says, "No, and this is the crisis where every German whether he is a socialist or not, this is the time that it is up to him to defend the Fatherland." And I walked away and left him.

Q. Have you had any conversation with him since, Captain?

A. No. I believe when I got in trouble he come down to my wagon once and as near as I can recollect when I was in trouble he come down there and said he was glad I got out.

Q. Now, this conversation you have just related occurred between—that is, the doctor made these statements after we had entered the war?

A. That was about the latter end of May, 1917.

Mr. HUBER.—That is all, Captain. [145—55]

Cross-examination of HENRY ALLEN.

Dr. SCHURMANN.—Captain Allen, who was with you on that day in May 1917, when that alleged conversation occurred? A. Peter Halsey.

Q. Did Peter Halsey, whom I do not recollect at all, shake hands with me? A. Yes.

Q. And what did he say?

A. When he shook hands with you, after—when he shook hands, when he shook hands, or as he was shaking hands, rather, with you, he says, "Deutschland uber alles."

Q. He said? A. Yes.

(Testimony of Henry Allen.)

Q. Is Peter Halsey German, or German-American?

A. Well, I should say that,—I'll tell you, he poses as a Dane, but I think he is German himself.

Q. Is this man still in town?

A. I think he is working in Kaneohe.

Q. Did you really hear me say anything derogatory against the United States of America?

A. Well, yes, I should say that would be derogatory to the United States of America, when you swear allegiance to the flag and deliberately tell me that you wouldn't defend our shores, if that isn't derogatory to the United States—

Q. Will you kindly repeat those words again?

A. The words that you—

Q. What statement did I make to you then or am I alleged to have made to you, what statements, what did I say to you? [146—56]

A. What, when I asked you—I told you, I said, “Doctor, you swore allegiance to our flag. Is it possible you will not defend our shores?” and you says, “Allen, I told you before, this is the crisis, and although I am a socialist, remember I am a German and I am a soldier, a soldier and a German, and it is up to him now to defend his Fatherland.”

Q. Mr. Allen, how can you make out at all that I am a socialist?

A. Well, now, I am not—I realize in saying you are a socialist that all your work and propaganda as long as I have been with you has been along those lines.

(Testimony of Henry Allen.)

Q. Mr. Allen, do you not accuse me that I stood for Imperial Germany?

A. That you stood for it?

Q. Yes, that I stood for Imperial Germany.

A. Yes, because I told you,—I forgot that in my testimony, you also called President Wilson, you called him a Democrat, and you said President Wilson was nothing more or less than the Emperor of the United States, the way he is carrying on.

Q. Isn't it possible that you made a mistake, that you heard these remarks made by someone else?

A. Well, Doctor, I only got one arm, and I hope it will drop off me and wither on me, on my oath I made no mistake.

Q. Can you bring up on the stand that man who was with you at that time? A. Beg pardon?

Q. Can you bring up here on the stand that man you say was with you at that time?

A. I got nothing to do with that man, it's up to you to bring him here. His name is Peter Halsey, and that's as near as I can get the words he uttered, and he bears around this town [147—57] with every German he shakes hands with, his bearing is that he is in the same boat with you, but he poses as a Dane.

Q. Do you not admit that all the statements excepting one were made prior to the entrance of the United States into the war, do you not admit that all the alleged statements by you were made prior to the entrance of the United States to the war?

A. No, I do not.

(Testimony of Henry Allen.)

Q. Against Germany, excepting one?

A. No, these statements I just made last were made in 1917, in May or about the 1st or 2d of June, 1917.

Q. But all the others you admit were made prior?

A. That's when I lived with you and when you had paralysis and when you got your letters from your brothers in Germany and your people. If you overhaul your memory at the time you had wrote to the President of the United States and you showed me these letters also that same day when you were suffering with paralysis on the lanai, and you showed me his reply from the Secretary of War or Interior, and you were wishing at that time that you could go to Mexico or China.

Q. That's ridiculous, yet, Mr. Allen, mentioning the letter, do you recollect that I used within the letters to the President anything to show that I stood for Imperial Germany or for the expansion of Germany or if I stood for anything else?

A. Well, Doctor, I didn't read the letters. You read them for me, but as near as I can remember, although I didn't take much interest in the letters whatever, but you did read to me your brothers' letters, and your whole makeup at that time was to try and if you will remember I said, "Well, our relations are rather strained now, Doctor, can you get away from here," and you said, "Yes, I can make China or Mexico," and I asked you [148—58] "Are you acquainted in Mexico?" and you said, "Yes, I been in Mexico," and I says, "Where," and

(Testimony of Henry Allen.)

you says, "Santa Cruz," that's the conversation as near as I remember.

Q. I asked you if you did not think that all my utterances were absolutely fair and unbiased in 1914, 1915 and 1916? Didn't my letters show that I stood for all fairness for all the peoples in the war?

A. Your letters, you mean your letter to the President?

Q. Yes.

A. Well, Doctor, really I don't remember the first word that you wrote to the President.

Q. Isn't it peculiar that you can't recall these things but that you recall the other things?

A. No, and I can't recall anything that your brothers wrote to you, Doctor, although you told me but I can't recall it, and although you have offered time out of number on your veranda for to read that book, "The War as Seen Through German Eyes," you read one or two small paragraphs out of it, just a couple of lines, and I left. You never remember reading one chapter of that book to me, and you know at the time that when that book was going out you had knocked the "Advertiser," said the "Advertiser" was rotten to the core, and that the "Star-Bulletin" was the only people that would print anything for you.

Dr. SCHURMANN.—That is all.

Mr. HUBER.—The Government rests.

The COURT.—All right, proceed, Doctor. Have you any evidence to offer? If not, we will argue the case.

Dr. SCHURMANN.—Yes, I have evidence to offer. The first exhibit I want to show is my attitude in this war. We have here an article published in the "Star-Bulletin," on page 3, August 11, [149—59] 1915, and the Secretary of State directs acknowledgment of receipt and replies from the White House, by letter dated October 14, 1914.

(Received in evidence and marked Defendant's Exhibit "A.")

Mr. HUBER.—No objection, he is not under oath, but if the doctor states he is the author of this item the Court can consider it in connection with the other writings.

The COURT.—By offering it he will state that he vouches for it.

Dr. SCHURMANN.—I would also give you as evidence of my loyalty a letter from Washington, the Headquarters of the Red Cross, where it says, dated April 24, 1916, yours of the 6th instant just received. I wish to thank you very much for your generous offer of assistance. However, the enclosed circular will show you the status of our European service. There is no doubt that the use of passive motion, massage, etc., would be a most valuable adjunct to the treatment of injuries in war. I am returning you the clipping which you so kindly sent me. Signed by Major Robert U. Patterson, Medical Corps, U. S. Army, Chief of Bureau. This letter also contains a circular of membership to the Red Cross, which I will offer in evidence.

(Received in evidence and marked Defendant's Exhibit "B.")

Mr. HUBER.—No objection to that.

The COURT.—All right, let it be admitted.

Dr. SCHURMANN.—I have purposely refrained from bringing witnesses on the stand on account of the cross-examination of the papers and their attitude. I don't want to subject my friends to the cross-examination of the papers.

The COURT.—You can take the stand yourself, you are not compelled to, but you may testify if you wish. [150—60]

Dr. SCHURMANN.—Does the Honorable District Attorney sum up the case or will I first get a chance to make a talk on the subject?

The COURT.—Of course, I could not take your statements of the case as evidence, but if you wish to take the stand under oath and testify as a witness you will have to be sworn as a witness, and your testimony will then be considered as evidence, Doctor.

Dr. SCHURMANN.—All right, I will take the stand. [151—61]

Testimony of Frank H. Schurmann, for Respondent.

Direct examination of FRANK H. SCHURMANN, for respondent, sworn.

The COURT.—Now, make whatever statement you may wish to make relative to the question. The question I am concerned with is, what was your attitude or any attitude which you had—well, go ahead and make any statement you wish.

Dr. SCHURMANN.—Well, I wish to state now

(Testimony of Frank H. Schurmann.)

that when I made said oath I meant every word and syllable of it, and do so now, and I have shown by my acts and actions that I have always meant every word and syllable of that oath. My daughters were married from my house with my full sanction to American army officers. My younger son entered the Boy Scouts also with my full sanction. I encouraged him therein and in the Boys' Working Reserve he has earned his Government medal. I have always urged my children to uphold and work for the flag. Those children are American children, born right here in the country. They do not speak a word of the German language, which plainly shows to you that my home and my household was American, not German. I have invested in Liberty Bonds, I have invested in War Savings Stamps, every one of my boys have Thrift Stamps. I myself have offered my services to the United States of America to help and aid, and what more can a man do? I may have made some foolish utterances, especially prior to the entrance of America into this war, why shouldn't I have stood up for the land of my birth when Germany was fighting the European nations, but it was a different thing entirely when America entered the [152—62] war, the land of my adoption. Having renounced fidelity to Germany and sworn allegiance to America I was ready to aid in every respect, and I am ready now, if it comes to the test, to go and help honestly in every respect. What more can a man do, offering free my services, in aid for my country? How can you then think for a moment of taking away my American citizenship which I have been uphold-

(Testimony of Frank H. Schurmann.)

ing all the time? Your witnesses have not shown at all that I have said anything derogatory against the United States of America, they have twisted things a little, and you know it. Who are these witnesses, anyhow, starting with Mr. Holliday, who is a Britisher? The next one is Mrs. Beasely, also a Britisher. The next one is Mrs. Ludwig, they are all Britishers after all. It seems to me that I have been heard before a British court. I am pro-American, and I don't deny that I am not pro-British, and I am not pro-German, I am pro-American. Had I been guilty of sabotage or espionage that would be a different thing, or had I told any soldier, "Why do you fight for this country? It won't do you any good," that would be a different thing, but as related to you before I even helped a young enthusiastic Englishman to go and fight for his country, and that fact is known by the British consul. I financially helped that young man to go out and do his duty. I honor everyone for doing his duty. If you had called on me I would have done my duty nobly for America and the flag although it might have broken my heart in some respects, and why not, do you expect that I should altogether forget the land of my birth? That is not natural, you would not even respect me for that, but as I swore allegiance [153—63] to this flag and as this country became involved in the war with Germany I was and am willing to take up the sword in the defense of this country, of my country, just as much as the northerner took up the sword against the southerner. I believe in the

(Testimony of Frank H. Schurmann.)

principles of Democracy, and I believe in the principles of Justice, as I have shown right from the very commencement, and that was acknowledged by President Wilson by his letter who saw I stood for justice, and as I mentioned before, you will be astonished how close my articles and my thoughts will concur with the peace articles when they are finally signed by the various parties. They are condemned by my father for my thoughts, as far back as 1914, condemned by many Americans and Germans here for taking such an attitude. You bring forth witnesses in order to take away my citizenship. Why, I don't think that when you consider the attitude I have taken, that it is possible to take away these papers from me. Regarding the book, the book was and is propaganda for humanity's sake, to keep the United States out of the war. In former years there was such a beautiful relationship between the Germans and the Americans, and I wish that they had come together and not started any fight, but as the sword was cast in the scale I again must say that I was absolutely ready to stand by the oath I rendered on December the 17th, 1904.

Cross-examination of FRANK H. SCHURMANN.

Mr. HUBER.—Doctor, you say that you believe in the principles [154—64] of Democracy?

A. I do, sir.

Q. And do you believe in the principles of Democracy as exemplified in the Government of the United States? A. Absolutely so.

Q. And as between the Democracy as exemplified

(Testimony of Frank H. Schurmann.)

by the Government of the United States and the Imperialism of Germany as shown by that government, which do you consider the better?

A. The American Government, absolutely so.

Q. Now, Doctor, at page 107 of your book, "The War as Seen Through German Eyes," I will read this (Reading:) "And what is our government, anyhow? Is it a government of the people and by the people for the people? Nothing of the kind. The people sent monster petitions to the President and Congress, march in monster parades and hold monster mass meetings, requesting embargo on ammunition, but not the slightest attention is paid to all this by His Majesty President Woodrow Wilson, who acts as though he were the autocratic ruler of the U. S. A., and not like what he really is, the first servant of a sovereign people. Of what use are petitions and demonstrations? We might as well petition a fence post."

And I will read from page 40 of your book, Doctor, Prussianism: (Reading:) "It is not amiss right here to explain to you what Prussianism really is. Prussianism is efficiency and justice. It is honest, sincere, earnest, loyal, stern, organic. It is the highest and noblest condition that exists in the world today. True, Prussianism is oligarchic and aristocratic, but why should not the wise and able rule, rather than the foolish and inefficient? Is not the money power an oligarchy also? Does it not rule our democracies [155—65] in spite of our suffrage? Prussianism is a Christian aristocracy, a

(Testimony of Frank H. Schurmann.)

Spartanism. Prussia inherited the Spartan spirit from the Order of the Teutonic Knights, and the Prussian princes became Grand Masters of the order. Thus Junkertum is the backbone of Deutschtum. Prussianism has been a great blessing to the German nation by making it wonderfully efficient and united. The Germans are fighting valiantly to conserve their government and their brand of civilization. It would be well for us if we would examine Anglo-Saxonism and Americanism. Perhaps we might see their close relation to Mammonism. What has become of the American spirit of fair play? Has the Almighty Dollar broken the sword of Justice and bound the feet of Liberty with chains of gold?"

Q. Do you mean to tell this Court that when you penned these lines you considered the democracy of America superior to autocracy of Prussia?

A. Most decidedly. When I pointed out to you some time ago that the title of that book is the War as Seen Through German Eyes, that is not through my eyes. Those were the copies of paragraphs and newspaper articles and extracts from American magazines which pointed out those things, and furthermore the book being intended as a propaganda to keep the United States out of the war, things, of course were exaggerated, as, of course, all propaganda are. Every force was used therein to keep the United States from entering that war, and at that time I was absolutely entitled to do so.

Q. Doctor, in the preface of your book you say: (Reading:) "Knowing that the plain facts herein set

(Testimony of Frank H. Schurmann.)

forth will open the eyes of many who have been deluded by the press, the author is convinced that much good will result from this book. It gives [156—66] the thinking public an opportunity to form a sane judgment regarding the Right and the Wrong of the warring nations and regarding the Unreasonable Attitude of the United States of America toward the Teutons and hyphenated German-American citizens. After a brief space of but two months from the compilation of this little volume, a call for a second edition comes from an appreciative public, and I most gladly respond. This new edition is revised and somewhat enlarged, but remains what I meant it to be, “a brief and sincere expression of my feelings and opinions, together with indisputable facts regarding the great international struggle now going on in Europe.”

A. Yes, no doubt there was some feelings of mine expressed within that book, but very few, indeed. The principal feeling was that to keep the United States out of the war. When you read another paragraph that I wrote wherein I stood for the election of Mr. Hughes, because a change of government, I thought, would keep the United States out of the war, it shows it was simply meant as propaganda, to keep the United States from fighting.

Mr. HUBER.—That is all, Doctor.

The COURT.—Doctor, do you wish to offer any other evidence?

Dr. SCHURMANN.—I do not.

Mr. HUBER.—I don't care whether we offer any

argument or not, but I presume the doctor wants to argue.

The COURT.—Doctor, do you care to argue in addition to the testimony you have given?

Dr. SCHURMANN.—Yes.

The COURT.—All right. We will continue this case, then, until to-morrow morning at ten o'clock.
[157—67]

*In the United States District Court, in and for the
Territory of Hawaii.*

THE UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANK H. SCHURMANN,

Respondent.

Honolulu, H. T., January 7, 1919.

Mr. McBRIDE.—If the Court, please, I wish at this time to enter my appearance as counsel for the defendant, and likewise move the Court at this time for a continuance until Monday next, at the usual court hour. Prior to this motion, and entering my appearance, I have consulted with the United States District Attorney who states that he has no objection to the motion. Of course, if the Court please, it is well known to counsel and to your Honor, that the defendant in this case has, at his own request, had sundry and divers continuances, but becoming apprehensive of further representing, he has asked me to act as his counsel in the case. I appreciate further-

more, your Honor, that when counsel appears in the middle of a case or during the trial that he must take the case as he finds it, and I wish to urge upon the Court, in the first place, if there is any doubt granting the motion that this is an equity case, and being an equity case, some liberality should be shown in the argument of a motion of this kind. This defendant was admitted to citizenship in [158—68] 1904, and different from some other cases no harm can possibly come to the United States in granting a reasonably short continuance simply for the purpose of counsel now in the case refreshing his memory as to the previous proceedings. If your Honor feels that Monday is too long a time, then any other time fixed by the Court will be agreeable.

The COURT.—I am always disposed to give every litigant every opportunity to secure counsel, but the manner in which this presents itself now is, the defendant had every opportunity in the world to procure counsel and has neglected to do so, and now the case has come to trial, himself announcing that he is ready as well as the Government, and the evidence is closed, and the Government has waived opening argument, and the matter was postponed until this morning for the purpose of allowing him to argue it. Of course, if you want to argue it for him, that is all right, you can do so, if you wish, but in view of the many continuances and postponements that have been granted in this case, and in view also of the fact that the evidence has closed, I am going to refuse your motion, and you can proceed with the argument.

Mr. McBRIDE.—Will your Honor grant counsel for the defendant a reasonable time to prepare a written motion properly supported for the purposes of the record, and I might state to your Honor that that suggestion is made for this reason, that the continuances granted at the request of the defendant were not made captiously, but for the purpose of securing counsel, and in a general way, the situation is this, your Honor, that Doctor Schurmann has walked all over this town and has consulted sundry and divers lawyers, many of whom for patriotic reasons refused to act at all, while others demanded exorbitant [159—69] fees away out of sight for the services to be performed, yet this is the situation, your Honor, as I say, this is an equity case, and I don't think there is any desire on the part of the United States Government to take advantage of the defendant. He finds himself in a peculiar position, and is not schooled in the ways of the law, and I think this being a case of first impression in this Territory, I don't think there is any desire on your Honor's part to decide this case in a hurry.

The COURT.—The case isn't going to be decided in a hurry, and I am always entirely disposed to granting a reasonable request in such matters, in all cases. This case was filed when, Mr. Clerk?

The CLERK.—August 27, 1918.

The COURT.—August 27th, 1918. It is an equity case, and does not require a jury, and the statute requires sixty days before it could go to trial; in other words, I repeat that the defendant has had ample op-

portunity to employ counsel, and if he had asked for a further postponement, because he could not employ counsel, before this case was begun, I think I would have given him more time for the purpose of employing counsel on that kind of a showing, but he has announced himself ready and has pretty well defended himself about as well as a man can without a lawyer, he has taken care of his interests fairly well, and he has not lost any of his rights by reason of being without a lawyer, and as a matter of fact the Court has made certain suggestions to him on account of the fact that he was without an attorney that the Court would not have made, but for the fact that he was without an attorney. The Court wants to give him his legal rights, but at the same [160—70] time the Court does not want to be played with, after the evidence is all in to ask for a postponement for a week or any other time.

Mr. McBRIDE.—Will your Honor grant a continuance until to-morrow morning at ten o'clock?

The COURT.—I will grant you a continuance for thirty minutes. The Court will be at recess for thirty minutes.

AFTER RECESS.

Mr. McBRIDE.—If the Court please, the defendant at this time desires to file a written motion for a continuance, which in words and figures, entitled court and cause, is as follows: (Reads.) Argues motion.

The COURT.—The motion to continue the case is overruled. I realize that you have the right, or I

accord you the right although he closed his case, to reopen the case. We will reconvene at two o'clock and I will permit further testimony to go on. [161—71]

*In the United States District Court, in and for the
Territory of Hawaii.*

THE UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANK H. SCHURMANN,

Respondent.

Honolulu, H. T., January 7, 1919, 2:00 P. M.

Mr. McBRIDE.—From a short examination of the record, I honestly believe, if the Court please, that there has been a vital and serious failure of proof on behalf of the United States, the plaintiff in this proceeding, in that thus far no evidence has been adduced on the part of the United States of America showing or in any manner tending to show that the defendant in this proceeding took any oath in the Los Angeles court, and if he did take an oath the nature thereof, as alleged in the various allegations of the complaint.

Mr. BANKS.—That is admitted by the answer.

Mr. McBRIDE.—I at this time ask leave on behalf of the defendant to withdraw the purported appearance and answer filed by the defendant and dated October 25, 1918, and file in lieu thereof—

The COURT.—I refuse to permit it to be withdrawn.

Mr. McBRIDE.— —and to file in lieu thereof a new answer to be filed within one hour of this time.
[162—72]

Mr. HUBER.—The plaintiff objects to that, your Honor.

The COURT.—I refuse to allow that, because the Government has proceeded all along up to now upon the faith of that answer and it would be treating the Government wrong. He admits it is true.

Mr. McBRIDE.—At this time I move on behalf of the defendant that all of the evidence in this case of the witnesses Holliday, Beasley, Ludwig and Allen, be stricken. Secondly, I move—secondly, if the Court please, that the bill of equity was based upon the affidavit of one Jannette Ryan nee Mrs. John W. Ryan, whereas said witness was not called by the plaintiff in this case, and upon the additional grounds, if the Court please that there was no foundation for the introduction of any of the evidence or any of the witnesses adduced by the prosecution for the reason that this being an action founded upon fraud the circumstances of the fraud must have been first set forth in the bill of complaint to entitle proof thereof.

The COURT.—Overrule the motion.

Mr. McBRIDE.—We have two witnesses here, the Misses Hitchcock. I am informed that their father is in a very precarious condition, liable to die at any moment, and for that reason, your Honor, I would

(Testimony of Martha B. Hitchcock.)

like to call them at this time and let them be released.

The COURT.—All right; call them first. [163—73]

Testimony of Martha B. Hitchcock, for Respondent.

Direct examination of MARTHA B. HITCHCOCK, for respondent, sworn.

Mr. McBRIDE.—State your name, please. What is your name?

A. Martha B. Hitchcock.

Q. What is your father's name?

A. Charles Henry Hitchcock.

Q. What is his business or occupation, or profession?

A. He was for forty years professor of geology in Dartmore College, now retired.

Q. What nationality is your father?

A. American.

Q. Born where, please?

A. Amherst, Massachusetts.

Q. And your mother?

A. My mother is also American, and she was born in Ohio, in Hudson.

Q. And what is your own nationality?

A. I am an American, I was born in New Hampshire.

Q. You know Doctor Frank H. Schurmann, the defendant in this matter? A. Yes, I know him.

Q. How long have you known him?

A. I cannot give you the exact date, but I think it was in 1912 that I first met him as a patient. It

(Testimony of Martha B. Hitchcock.)

was either in 1912 or possibly 1913. If I had my diary here I could tell you exactly.

Q. Have you had occasion since the first time you became a patient of the defendant, to see him and talk with him and consult with him on many occasions?

A. Yes, sir, I have been under his care quite a little.

Q. As a matter of fact he has been your house physician for many years? [164—74]

A. Several years, yes.

Q. And during that period of time have you had occasion to discuss with Doctor Schurmann the United States of America or its aims or purposes, or anything of that kind?

A. We talked—I don't know exactly what you mean, but we talked about the United States, and in—well, I don't quite know what you mean.

Q. You say you had talks with the doctor concerning the United States. What has been the general nature of these talks, what did you say and what did the doctor say?

A. Oh, it has been chiefly in connection with the war.

Q. Just tell us about that please, Miss Hitchcock.

A. Well, our first talks about the war, I don't know whether you want me to tell about that or not.

The COURT.—Miss Hitchcock, anything that he said to you, whether about the war or not, anything that he said to you at any time that might throw light on the question as to his own loyalty to the United

(Testimony of Martha B. Hitchcock.)

States. I suppose that is what you want?

Mr. McBRIDE.—Yes, your Honor.

A. Yes, I heard him. I can tell you, and I can give you the date, too, pretty nearly. I was having an illness in 1917, I think perhaps April or May, it was just after the United States was at war, and Doctor Schurmann came to our house to treat me. We were speaking of the fact that he had been a German, and now a citizen of the United States. I remember saying to him that before the war,—well, it was like walking on two sides of a narrow stream. Before the war began he could be interested in Germany on one side, and in the United States on the other side, but now that the United [165—75] States and Germany were at war it was as if the stream was so wide that he couldn't walk on both sides, and I recall that he said, "Certainly that is so, and I am walking on the American shore."

Q. Now, will you be kind enough to give us other conversations you had with the doctor, either before war was declared by the United States upon Germany or thereafter, concerning his attitude, anything that would elucidate that situation to the Court?

A. Well, before the war was declared, when it seemed to be chiefly between Germany and England and we talked on the subject of the war, his sympathies seemed to be with Germany.

Q. That was prior to the entry of the United States into the war?

A. Prior to the entry of the United States. Since the entry of the United States I cannot remember his

(Testimony of Martha B. Hitchcock.)

ever even once,—I don't recollect his ever speaking in favor of Germany contrary to the United States.

Q. Miss Hitchcock? A. Yes?

Q. War was declared on the 6th day of April, 1917, by the United States upon the Empire of Germany.

A. Yes?

Q. Now how many times subsequent to the 6th day of April, 1917, have you had occasion to see and talk with the defendant in this case, I mean approximately, once a week, twice a week?

A. I can't tell you exactly, but I think about once a week.

Q. As a matter of fact during these occasions as various items would appear in the newspapers concerning the war, you discussed the matter, did you not, in a general way?

A. Well, we talked in a general way, and still a great many times we never spoke on the subject at all.

Q. But as a matter of fact ever since the 6th day of April last [166—76] year you have not heard Doctor Schurmann say anything contrary or in derogation to the United States?

Mr. HUBER.—Object to that as leading.

The COURT.—I think the witness has answered already that she has not since the United States entered the war heard Doctor Schurmann say anything.

A. I heard him say nothing that was disloyal to the United States, I heard him say nothing that was

(Testimony of Martha B. Hitchcock.)
against the United States Government.

Mr. McBRIDE.—Take the witness.

Cross-examination of MARTHA B. HITCHCOCK.

Mr. HUBER.—You mean nothing in your judgment that was against the United States Government, Miss Hitchcock?

A. Of course I have to use my own judgment.

Q. And Miss Hitchcock, you are the Martha B. Hitchcock who wrote this letter commendatory of "The War as Seen Through German Eyes," on August 12, 1916?

A. I wrote a letter—I don't know exactly how it is printed, it is not printed as I wrote it. I wrote it at a time that I myself was absolutely as near as I could be, neutral, and I intended my letter to sound neutral. I was not at all sure that I was in sympathy with Germany or with the Allies because I had before been a pacifist and I did not intend my letter to sound either for one side or the other. It is not printed as I wrote it, just a few words may have changed the meaning of it. [167—77]

Mr. HUBER.—I would like to have you read that letter now and say whether that expresses the sentiments you then felt.

Mr. McBRIDE.—I think there are apt to be changes in a printed letter and as originally written.

A. I think I can explain it best.

The COURT.—He wants you to read the letter and state whether or not those are your sentiments.

A. My sentiment was, having read a great deal of literature in favor of the Allies I thought it time, or

(Testimony of Martha B. Hitchcock.)

fair at least, to read something in favor of Germany, in favor of the German side, and for that reason I was willing to read the book. The changes I speak of are mostly in the dictation, using certain words that I never used. I don't think the sentiment was changed.

The COURT.—Well, the District Attorney asked you to read the letter, Miss Hitchcock.

Mr. HUBER.—Yes.

A. (Reading:) Honolulu, T. H., August 12, 1916. We must face squarely the problem before us, the horrible war, not horrible, that was put in, its real cause and the prevention of similar happenings. In order to do this every viewpoint should be studied. I have read lots of literature viewing the war through British eyes, now comes your book, seeing the war through German eyes. In a community whose sympathies are mainly with the Allies such a work is very much needed. I am not sure but that I simply said, such a work is needed. Your essay will be thoughtfully read by everyone who wishes to hear both sides in order to judge fairly. I think that expresses my sentiment that I held at that time.

Q. You had read the book prior to writing that endorsement, had [168—78] you Miss Hitchcock?

A. Well, I have not read it carefully, I read it from a literary standpoint. I was studying writing and English, and he asked me to criticize the book from the standpoint of the writing and grammar, not the grammar but the expressions, and I read it with that in mind. At this time when I wrote this I

(Testimony of Martha B. Hitchcock.)

had not then decided in my own mind the right and the wrong, but I have very much decided since then. At that time I was neutral.

Q. You say at that time you were neutral, Miss Hitchcock? A. Yes.

Q. That is, as between Great Britain and her Allies, and the Central Powers?

A. Yes, President Wilson requested us to be neutral as we could, and I tried to follow his opinion.

Q. Now, did you feel any decided sympathy one way or the other at that time?

A. Well, I could not stay neutral very long because of the atrocities I read of.

Mr. McBRIDE.—Which way did you switch, towards Great Britain and her Allies, and against the Central Powers and their Allies, which way did the scales go?

A. I was decidedly in sympathy with the Allies and their cause. At the beginning it appeared to me as simply a scrap between two illnatureed dogs who had intended to fight with each other for years and now had the opportunity, that's the way it looked at first. When the news of the atrocities came I did not believe it at first.

The COURT.—Did you understand that to be neutral you should not sympathize with either side? [169—79] A. Well, I thought—

Q. Did you understand, being neutral, that you had to refrain from sympathizing with either side, or wishing either side success, that in order to be neutral you had to refrain from wishing either side success,

(Testimony of Martha B. Hitchcock.)

did you understand that to be neutral you had to be—you had to have no sympathies whatever in regard to it, understand the question? A. Yes.

Q. Did you understand to be neutral that you had to have no sympathies whatever with either side, have no wishes toward the success of either side, did you understand that, to be neutral?

A. I am trying to think just how I did feel about it because I changed so afterwards. I understood neutrality to be perhaps not taking either side whatever one might feel in one's heart, impartial, perhaps. I tried to follow President Wilson's advice.

Q. You were not only neutral but impartial, non-sympathetic, toward either side, I am just trying to get your attitude from the testimony.

A. I thought it was my duty to not take either side, I don't know of any other way of putting it, but at heart I could not keep that up very long. Just as soon as I got a little bit informed, my sympathies went all with the Allies, because I felt theirs was the right cause.

Mr. HUBER.—You said something occurred in a conversation between you and the doctor soon after our entry into the war in which you spoke of one who had been a German citizen and had become a citizen of the United States, walking along a narrow stream in which they could walk on both sides but the war widened the [170—80] stream. Did I understand that you yourself used that expression or illustration and that the doctor then agreed with it or did he use that illustration?

(Testimony of Martha B. Hitchcock.)

A. Well, I am not certain, but I think that I suggested it first, though I am not sure whether I suggested it and he said, "Well that expresses it exactly," and whether he said it and I said, "That expresses it exactly," I am not certain. The thing that impressed me was that he said he could not walk on both sides, that he was now walking entirely on the American side, is what I remember especially.

Q. You said both of your parents were born in America, of what extraction is your father?

A. My father and mother are of British extraction, Pilgrims. As far as we are able to find out from their genealogy all our ancestors came from American Colonies. As far as I know I have no ancestors of any nationality but American as long as there was an America. My ancestors as far as I am able to find out were in America as early as 1640.

Mr. HUBER.—That is all.

Redirect Examination of MARTHA B.
HITCHCOCK.

Mr. McBRIDE.—I understand you to say in fact that your idea in endorsing a work of this sort was simply for the purpose of educating the people generally to both sides of the controversy then existing, that they should have all the alleged facts before them?

A. Yes, I did not feel very strongly about it, in fact I did not [171—81] feel very strongly about it, but because the doctor wrote the book and asked me to criticize it, he expressly said, I remember, not the matter but the form in which it was written. I

(Testimony of Martha B. Hitchcock.)

was studying the writing of English, and it did seem to me that we had so much pro-Ally literature that it seemed only fair that we should read something on the other side. We were not at war, and so when the book came out written on the other side it seemed to me the right thing. We were not obliged to read it, it was fair and we were not in the fight then and it was fair to hear both sides. Perhaps I might say I was rather hoping I would find some way of explaining the German atrocities.

Q. You did not want to believe that such horrible things were true?

A. Yes, and hoping that I would find that in support, and I hadn't the heart to believe it. I had friends in the East of German extraction and knew it was utterly impossible for them to do such things.

Q. But on the declaration of war between Germany and the United States, on April 6, 1917, you did not remain neutral?

A. No, I gave up being neutral long before that. I think the "Lusitania" did it.

Mr. McBRIDE.—That is all. [172—82]

Testimony of Alleine L. Hitchcock, for Respondent.

Direct examination of ALLEINE L. HITCHCOCK, for respondent, sworn.

Mr. McBRIDE.—State your name.

A. Alleine Lee Hitchcock.

Q. You are a sister of the witness who has just testified? A. I am.

Q. As you were walking to the stand you men-

(Testimony of Alleine L. Hitchcock.)

tioned to me that she inadvertently made a misstatement or something.

A. What I meant was, you asked her over again what is the story and she spoke of a river, walking at the beginning of the war along a narrow river, you remember the illustration? When she repeated it she said the doctor said now he was walking on the German side, and I know she meant to say the American side.

Q. I did not notice that. However, that part of her evidence, the evidence of your sister as to the ancestry of your father and mother and yourself et cetera, that is all true, is it not? A. Yes.

Q. You are a good American?

A. I am proud to say so.

Q. A good American of Puritan stock?

A. I cannot see how I could be much more loyal.

Q. I assume that you have known Doctor Schurmann, the defendant, for some years?

A. Yes, a similar length of time.

Q. And have had occasion to consult him professionally and talk with him personally on many occasions the last number of years? A. Yes.

Q. Now prior to the declaration of war on the part of Germany or [173—83] thereafter, have you since had occasion to talk with Doctor Schurmann or discuss with him the war with Germany or matters of that sort?

A. Very little, but we have spoken of it occasionally.

Q. Now, just try and remember, if you please,

(Testimony of Alleine L. Hitchcock.)

what conversation you had prior with the doctor concerning the matter, prior to the declaration of war by America and Germany.

A. I think whatever we said was mostly general, deploring the general horror of the war. We did not say anything very special. I knew he came from Germany and did not care to talk about it because I knew his family was all there and naturally he would feel badly about them all being in the war. We said very little prior to the beginning of the war.

Q. Then I will ask you after April 6th of the year 1917, to state to the Court any remarks made by you, —any remarks made to you by the defendant in this case showing or tending to show his loyalty or otherwise towards the United States.

A. I took the trouble to write down some of the things he said, and perhaps it would be better for me to read it.

Mr. McBRIDE.—You may read from that; I think there is no objection.

Mr. HUBER.—If it is for the purpose of refreshing her recollection and if the statements were written at the time.

A. I can remember very well, I think, it is not necessary. I thought perhaps you wanted it exact. I had avoided talking about the war very carefully because it was not a pleasant subject, but there came a day when I felt as though I must know how he felt, because he was our family physician, so I made it my business to talk to him and when I came home I wrote down some of the things he said because I re-

(Testimony of Alleine L. Hitchcock.)

alized some day they might be important. [174—84]

Q. Right there, Miss Hitchcock, what date was that, as near as you can remember?

A. It was the first week in August, I think, last year.

Q. Of last year?

A. Yes, when the war was well going.

The COURT.—1917?

A. I mean 1918, yes.

Mr. McBRIDE.—You say you want to be sure and get everything exact. Did you make that memorandum at that time on that paper?

A. Not that day, but very soon after.

Q. You may then look at the paper and refresh your recollection as to what was said.

A. This is some of the things he said: (Reading:) "Germany has been wrong from the very first. I do not stand for any atrocities or for the killing of citizens or for the mistreatment of women. There can no longer be any middle ground. I am an American citizen most decidedly. How can anyone help being on that side who is human and kindly? I hope some time to get into the service in this war, not on the German side, but on the American side." He said other things similar which I did not write down, all in that same line.

Q. All in the same vein?

A. Yes, and he seemed to feel badly that I should doubt him at all, because he knew of the loyalty of our family, and he said, "How do you think I could come up and take care of your family if I were dis-

(Testimony of Alleine L. Hitchcock.)

loyal?" and other things in the same line, but these are what I wrote down. Since then I have not—

Q. You were satisfied and did not care to pursue the matter any further, is that it? A. Yes.

Mr. McBRIDE.—You may cross-examine, Mr. Huber. [175—85]

Cross-examination of ALLEINE L. HITCHCOCK.

Mr. HUBER.—What was the date in August that you say this conversation was had?

A. It was about the 6th, but before the prosecution had been taken up against him. I have the impression that very night something came out in the paper, the starting point, but our conversation occurred before there was any prosecution whatever, simply now and then in the papers there had been reference some time or other.

Q. You had seen those references in the papers?

A. No, there had been nothing, and I think it was that very night that it came out and I was very glad that I had the conversation previously.

Q. And this was the only conversation of the kind that you had with the doctor?

Mr. McBRIDE.—I object, he is trying to mislead the witness.

The COURT.—Go ahead, this is cross-examination.

Mr. HUBER.—Miss Hitchcock, I believe you stated at the outset that you had previously avoided discussing the war with Doctor Schurmann?

A. Yes, I did at the beginning.

Q. And you continued to avoid such discussion

(Testimony of Alleine L. Hitchcock.)

until this date, about August 6, 1918, is that correct?

A. Yes, I do not recollect discussing it—yes, that is correct.

Q. Now, you say at this time you felt satisfied?

A. Yes, I did.

Q. Now, did you have any conversation with the doctor afterwards [176—86] along this same line?

A. We spoke on the subject occasionally with more freedom, feeling that he sympathized with us. We had no discussion; I never asked him again, never talked about it that way again.

Mr. HUBER.—That is all.

Mr. McBRIDE.—Never doubted him again, that's the fact, isn't it? A. Yes.

Mr. McBRIDE.—That is all. [177—87]

**Testimony of Frank H. Schurmann, for Respondent.
(Recalled.)**

Direct examination of FRANK H. SCHURMANN, for respondent, recalled.

Mr. McBRIDE.—Doctor Schurmann, where were you born?

A. In Essen, Germany.

Q. That was made part some years ago of Prussia, was it not? A. It was.

Q. And up to the late disintegration of the German Empire was part of Prussia? A. It was.

Q. How long did you, or what age did you attain before you left Germany, Doctor?

A. About twenty years of age.

(Testimony of Frank H. Schurmann.)

Q. And you left Germany, I understand you to say? A. Yes, sir.

Q. To what place did you go?

A. To the United States of America.

Q. At what port, where did you land?

A. San Francisco.

Q. Why, Doctor, did you leave Germany at that time?

A. Because I had come in contact with people who had lived in the United States, and by having come in contact with them I became imbued with that feeling of freedom.

Q. Well, didn't you have some spirit of freedom in Prussia, the same feeling of freedom in Prussia that you were informed existed in the United States?

A. Oh, no, there was a different feeling altogether. We had there, for instance, conscription and great restrictions in many ways. [178—88]

Q. Tell us some of those restrictions.

A. Officialdom made itself very much felt all over the country.

Q. In what way?

A. I recollect a case, when as a boy, going to the postoffice and whistling through the little window where the man who gives out the letters was standing. He objected to that strenuously, and thereupon laid a complaint with the school authorities in order to summon me on a charge of disrespect to the uniform of His Imperial Majesty, and other things of that kind which equally jarred on my nerves showing personal autocracy.

(Testimony of Frank H. Schurmann.)

Q. Have you at any time, Doctor, been in accord with the ideas of Prussian autocracy as we all understand it, I mean, do you sympathize with the ideas of Prussian autocracy?

A. I expressed that yesterday, that I do not sympathize with them.

Q. As between, Doctor, if you please, the principles of Prussian autocracy and the democracy of the United States, to which do you incline, to the American form of government with its principles and its constitution?

A. Absolutely so, which was stated yesterday.

Q. I understand you to say that was your prime reason for leaving Germany at that time?

A. It was.

Q. State whether or not, Doctor, to your knowledge, information or belief, any other persons besides yourself left Germany, the Empire of Germany, at that time for the same reason?

Mr. HUBER.—Object to it as immaterial.

The COURT.—Yes.

Mr. McBRIDE.—Now, you say you arrived in San Francisco at the age of about twenty years—you were twenty years of age when you [179—89] reached San Francisco?

A. No, somewhat later, because I made a stay in Australia.

Q. You stayed in Australia a little while and then you went to San Francisco. What did you do in San Francisco, Doctor?

A. Nothing at all; I took in the sights.

(Testimony of Frank H. Schurmann.)

Q. And from there where did you go, from San Francisco? A. Thence to Chicago.

Q. What did you do in Chicago?

A. I entered the National Medical University, and thence the Union College of Osteopathy at Cleveland, Ohio.

Q. And from there where did you go?

A. I went back to Chicago and took a course in the Northern Illinois College of Ophthalmology and Otol-ogy, and thence became a professor in the Chicago Golden Cross Eye, Ear and Nose Clinic. Later I went to Los Angeles and occupied the Chair of Optometry in the Pacific School of Osteopathy.

Q. Then what, after that?

A. I went then in the optical business and established myself later in San Luis Obispo, where I practiced Osteopathy.

Q. Yes, the memorandum which you furnished me about this says something about a cross, not an Iron Cross?

A. No, that was in relation to the professorship in that Clinic.

Q. That is the medal herein referred to?

A. No reference to a medal at all; it was simply a medal from the Eye, Ear, Nose and Throat Clinic.

Q. Pardon me if I ask this question, but I think it is necessary. You have been married twice, have you not? A. Yes.

Q. Where were you married the first time, Doctor?

A. In Australia. [180—90]

Q. Of what nationality or descent was your wife?

(Testimony of Frank H. Schurmann.)

A. Irish.

Q. Not German? A. Not German; no.

Q. Did you have any children by her?

A. Yes, sir.

Q. How many? A. Four.

Q. And then you were married later on to your present wife? A. Yes, in California.

Q. Of what nationality, Doctor, please, is your second wife? A. She is American.

Q. Of what descent?

A. Of German descent, though her parents were American, born in America.

Q. She was born in America?

A. Yes, and so were her parents.

Q. Since you married her has she been back to Germany? A. No.

Q. Did you know her in Germany before you came to the United States? A. No.

Q. And her parents were born in America?

A. Yes, sir.

Q. Now, Doctor, I was not present here yesterday, but I understand that a man named Holliday called on behalf of the United States in this proceeding claimed that he had had certain discussions with you in March, or from March 1st, 1917, about the war.

A. Yes, sir.

Q. And who claimed that you had a picture of the Kaiser before the war in your possession and hanging up in your office? [181—91]

A. Not in the office, but in his rooms, in his quarters.

(Testimony of Frank H. Schurmann.)

Q. State whether or not, Doctor, you had pictures of other personages in any of the rooms there?

A. Why, yes, I had a picture of our president, President Wilson, and of Roosevelt.

Q. And who else?

A. Of Washington, Lord Nelson, and of many historic characters.

Q. Yes, now something has been said in evidence concerning a medal it is claimed you wore before the war? A. I did.

Q. Tell us about that, please.

A. I admit that I wrote for some Irish magazines or papers.

Q. Along what lines, what was the theory or theme?

A. They were practically extracts of the book on the lines of the war.

Q. For what cause, championing what idea?

A. The freedom of Ireland, and as I champion the freedom of small nations.

Q. State whether or not you know whom the persons were who sent you the medal in question.

A. I haven't the slightest idea.

Q. You did not receive any letter concerning its transmission or anything of that kind?

A. No letter or no note.

Q. The witness Holliday testified that you made certain derogatory statements to him concerning the United States of America. I will now ask you, Doctor, categorically, whether you made to the witness Holliday or to anybody else at the time he says,

(Testimony of Frank H. Schurmann.)

or at any other time, any derogatory statements concerning the United States of America? [182—92]

A. That I absolutely deny.

Q. Now tell us something about this man Holliday, who was he or who is he?

A. He came to me as a stranger.

Q. Yes.

A. And he went to room in Mrs. Schurmann's rooming-house.

Q. What was his business?

A. I believe he was an accountant at that time, he was out of work and rather hard up. I befriended him in many ways and helped Mrs. Holliday in getting a position as a nurse as she was very smart, though not a certified nurse, and I sent her to the Hitchcock's where she did very well as a nurse. Later on through my influence she got into a local hospital, having had the experience with that local family.

Q. Does any reason now, or does it occur to you why the witness Holliday should make under oath on the witness-stand untruths as you say they are? Have you had any trouble with him?

A. I can't account for anything at all.

Q. When these matters were being,—the matter of whether or not you were loyal or otherwise towards the United States of America was being agitated in the public press, Mr. Huber requested you to send to him your certificate of citizenship or something of that kind, did he not? A. Yes, he did.

Q. And did you furnish that?

(Testimony of Frank H. Schurmann.)

A. That was prior to the time the question was raised. I did not know what it was leading up to.

Q. And you immediately sent it to him?

A. Most decidedly.

Mr. McBRIDE.—And Mr. Huber, will you be willing to produce *the* [183—93] *doctor* wrote to you offering to surrender these books, or shall I prove that?

Mr. HUBER.—Yes, I think I have it.

Mr. McBRIDE.—You wrote Mr. Huber, the United States Attorney, a letter, offering to turn over to him certain copies of this publication here, “The War as Seen Through German Eyes”?

A. Yes, from loyal motives.

Q. Now, was that letter you wrote to the United States Attorney in response to any letter you received from him or was it a voluntary act on your part, writing that letter offering to turn the books over?

A. It was a voluntary act, whereupon Mr. Huber wrote me a letter declining to send for the books, as it was not necessary.

Q. Have you that letter with you?

A. I have it at home, not with me.

Mr. McBRIDE.—I ask leave as part of the evidence of the defendant that we proceed to offer the letter later.

Mr. HUBER.—I have a copy of the letter.

Mr. McBRIDE.—Now, we will pass to the witness Beaseley, is that a man or a woman?

A. Woman.

Q. Who is this Mrs. Beaseley?

(Testimony of Frank H. Schurmann.)

A. Mrs. Beaseley is an old English lady who was in need of employment, who I employed in my establishment.

Q. In what capacity? A. As housekeeper.

Q. How long was she in your employ as such housekeeper? A. She was with me for two months.

Q. That is September and October, 1917?

A. Yes.

Q. Had you any knowledge at that time, during the months of [184—94] September and October, 1917, as to her financial condition, Doctor?

A. She was always hard up.

Q. And you heard her statement here yesterday to the effect that she asked you whether you were buying Liberty Bonds or something of that kind, what was that?

A. Well, she made the statement here that she remarked to me that she intended to buy Liberty Bonds. Of course, I deny such a fact absolutely because the woman was never in condition, you see, never had any intention to do so.

Q. That is, she never had the money?

A. Never had the cash.

Q. Now, Doctor, state whether or not after the declaration of war by the United States of America upon the Empire of Germany you yourself bought any Liberty Bonds? A. I did.

Q. Did you buy any War Savings Stamps and Thrift Stamps? A. Yes, sure.

Q. How many children have you now, Doctor, living? A. I have eight children living.

(Testimony of Frank H. Schurmann.)

Q. Married or single?

A. Three are married and the rest are single; then there is the little baby, being two weeks old or a little less.

Q. Now, those who are married, what are they, male or female? A. Female.

Q. And to whom are they married?

A. Two of them are married to American army officers.

Q. Doctor, prior to the marriage of these two daughters to American Army officers, state whether or not your daughters consulted you about getting married to the army officers, or asked your permission and consent to the marriage? [185—95]

A. Yes.

Q. Did you give your consent? A. I did.

Q. How about the others, who did they marry?

A. There is only one more daughter, living in Los Angeles.

Q. And who did she marry?

A. She married a man who offered his services to the country but was rejected on account of his age.

Q. What nationality is that man?

A. That man is American, of Irish descent.

Q. I understand that the record here shows that you yourself tendered your services to the Red Cross of the United States? A. I did.

Q. Now, how about your children, did they buy any War Savings Stamps? A. Yes.

Q. You explained something to me this morning about—in consultation this morning, about the activ-

(Testimony of Frank H. Schurmann.)

ities of your children in buying Thrift Stamps and joining the Boy Scouts, what was that?

A. I mentioned to you the activities of my little boy, a boy about fourteen years of age, who has been an active Boy Scout now for several years. He has earned for himself the medal of merit for working in the reserve force in Kauai. He spent his vacation there doing hard work for the Government, encouraged by me. He has also been selling Thrift Stamps, thereby attaining a sergeantship, I believe now a second lieutenantship.

Q. Now, let us go back a moment to the late lamented Kaiser of the former German Empire; state whether or not after the 6th day of April, 1917, you continued to have about or exhibited in your rooms or premises, office or domicile, any picture of the Kaiser? A. Not after that date. [186—96]

Q. Why did you take it down, Doctor?

A. Because my attention was drawn to it by Mr. Holliday, and because my feelings were such when America entered the war that I should take the picture away.

Q. And you did? A. Yes.

Q. What did you do with George Washington and Abraham Lincoln and Lord Nelson?

A. They are still hanging in both offices at home.

Q. Have you ever been back to the Empire of Germany since you were naturalized in 1904 in Los Angeles? A. No, sir.

Q. Do you ever intend to go back, any intention of going back?

(Testimony of Frank H. Schurmann.)

A. Not at present, no. If the country of Germany could be modelled after the constitution of the United States of America I may go there on a visit.

Q. Then it might be a fit and decent place to live in, in the words of our President, you think?

A. Exactly.

Q. Let us pass on now to the witness,—I will ask you one question there. Did you ever in your lifetime upon any occasion or under any circumstances make any statement directly or indirectly derogatory to the United States of America, to Mrs. Beaseley?

A. I did not.

Q. All right; now, we will pass on to the witness Ludwig, who is that individual, a man or a woman?

A. Housekeeper, lady.

Q. When did she work for you, Doctor?

A. After Mrs. Beaseley left.

Q. That is March to October, 1917? A. 1918.

Q. Your memorandum here shows that you had some discussion with [187—97] her concerning the newspapers or something of that sort?

A. We discussed the war occasionally.

Q. The witness in question testified, I understand, that you had, after war was declared, destroyed or done away with many pictures of the Emperor?

A. I could not have done that because I only had one picture in my possession.

Q. Then her statement in that regard is not true, is it, Doctor? A. It is denied.

Q. State whether or not at any time you made any mention to this Mrs. Ludwig, about Washington, Lin-

(Testimony of Frank H. Schurmann.)

coln or Lord Nelson, in derogation or anything of that kind? A. None at all.

Q. The lady in question testified that you at some time or other between March and October of 1917, had in your possession some German uniforms; is that correct? A. Quite correct.

Q. How many did you have?

A. Oh, half a dozen.

Q. What sort of uniforms were they?

A. Those were uniforms for theatrical purposes. I was formerly President of a singing club here and during the entertainments we gave plays and used therein these uniforms, and I might also state here while I am at it, you know, that I asked Mr. Huber to send for those uniforms.

Q. You did ask him? A. Oh, yes, I did, sure.

Q. By letter?

A. No, personally, I called at his office and requested him to remove the uniforms from my office.

Q. When was that call about, about when did you make a call on the United States Attorney in that regard? [188—98]

A. Well, in all probability about six months ago, or five months ago.

Q. And what response did Mr. Huber make to you?

A. Being busy at the time, it being on a Saturday, he would send for them the next Monday.

Q. Did he send for them? A. He did not.

Q. He never sent for them? A. He did not.

Q. Now, as to these uniforms as testified to by Mrs.

(Testimony of Frank H. Schurmann.)

Ludwig, did you at any time make any remarks directly or indirectly in derogation of the United States' principles, constitution, or its aims or purposes? A. Certainly not.

Q. Then you deny the allegations made by the lady yesterday? A. I do.

Q. Did you ever in your lifetime mention Liberty Bonds to Mrs. Ludwig?

A. I am not at all aware of it.

Q. Some mention was made, I understand, by the lady in question, concerning some episode in a theater, or something of that kind, will you please explain that to his Honor?

A. Being very anxious, having read the book by Gerard, "My Four Years in Germany," and the picture being shown here, I was naturally anxious to see how the book would tally with the picture, and being astounded, I would wish to learn further about the conditions which he found in Germany. I went to the theater and was almost mobbed there. I reached home in fear of my life, and I was agitated and perhaps spoke to Mrs. Ludwig about this.

Q. Did you tell her the things that she says you told her at that time? [189—99]

A. Not at all.

Q. Now, let's pass on to a man named Allen; who is that person?

A. Allen is a well-known character.

Q. Is he the man who shot another man down here on Hotel Street? A. Yes.

Q. A man with one arm? A. Exactly.

(Testimony of Frank H. Schurmann.)

Q. When did you first become acquainted or cognizant of that individual?

A. Mr. Allen was sent to me by Theodore Richards in 1913 for medical treatment. He had been on a booze, having been a heavy drinker formerly, and I being well known for handling cases of that description and not dosing them with whiskey, Theodore Richards thought of me and sent him to my office for repairs. He was with me for probably six months.

Q. Under your care as a physician?

A. Yes, and he returned on various occasions for treatment.

Q. Please state to his Honor the character of the relations existing between you and this man Allen, that is, with reference to being upon intimate, friendly or social terms with him, or whether it was more or less the relation existing between patient and doctor?

A. It is quite natural when a patient into whose care the doctor takes a deep interest, you naturally should become a friend of him, and I therefore more or less thought in a friendly manner of him, had discussions of a friendly manner with him.

Q. Especially in view of the particular character of his illness, being a dipsomaniac or something of that kind? A. Exactly.

Q. Was he during the years 1913, 14 and 15 to your observation suffering from anything known as delirium tremens? [190—100]

Mr. HUBER.—Object to that as immaterial.

The COURT.—Overrule the objection; go ahead.

(Testimony of Frank H. Schurmann.)

A. I would state that when I met him first in 1913, then he was perhaps in such a condition that his remarks could have been misconstrued, in other words, that he was then on the verge of the delirium tremens, but not lately.

Q. Not lately, but as a matter of fact, Doctor from a pathological standpoint persons who are affected with dipsomania are not of good and retentive memory, are they?

Mr. HUBER.—Object to that as incompetent, irrelevant and immaterial, it not being shown that this man was affected with dipsomania, and the witness having testified that he was not afflicted at the time.

Mr. McBRIDE.—At any time during the years 1913, 14 and 15, state whether or not in your opinion as a practicing physician the witness Allen was afflicted with what is known as dipsomania.

A. No, I cannot say that.

Q. What was the nature of his troubles, what do you call it?

A. A collapse, following upon heavy drinking.

Q. How does a nerve collapse affect the memory, if any, or does it affect it?

A. I have found that it does not affect the memory, I have found some of the brightest men dipsomaniacs.

Q. Now the witness Allen testified here yesterday, I understand, that during the month of March, 1916, you had discussed with him the so-called "Lusitania" incident. Did you, during said month or at any other time at all, discuss that matter, that is, the

(Testimony of Frank H. Schurmann.)

sinking of the "Lusitania," with Allen, to the best of your recollection? A. Yes. [191—101]

Q. All right, now please tell the Court what you said about that and what Allen said about it.

A. Allen deemed it an outrage, while I thought no passengers should be permitted on munition ships, on ships carrying weapons and arms and materials of war.

Q. Is that the only time you have had any discussion with Allen about that mater?

A. Only once.

Q. Doctor, can you deny his statement to the effect that you had two discussions or more with him concerning the "Lusitania"?

A. Absolutely, I deny that.

Q. You have stated in your testimony here that you were astounded and mentioned in the public press here before, I think, concerning your ability to read, write and speak the German language. Do you read the German language and speak it? A. Yes.

Q. And write it? A. Yes.

Q. How about the English language, do you read that, speak, read and write it?

A. Yes, I think I do.

Q. How about any other language, Doctor, are you familiar with any other languages?

A. I am familiar with the Spanish language, I speak a little French and have studied Latin.

Q. And you have been a student of Literature too, have you not? A. Yes.

Q. And have read what books you could get your

(Testimony of Frank H. Schurmann.)

hands on? A. And I do it now.

Mr. McBRIDE.—That is all, Mr. Huber, with the exception of those letters. I stipulate that original letter dated Honolulu, [192—102] August 26, 1917, addressed to Mr. Huber, United States Attorney, and purporting to be signed by F. Schurmann, as well as carbon copy of what purports to be a reply thereto, dated August 27, 1917, and to have been signed by Mr. Huber, be now offered in evidence on behalf of the defendant, and marked in order.

The COURT.—All right.

(Received in evidence and marked Respondent's Exhibit "B.")

Cross-examination of FRANK H. SCHURMANN.

Mr. HUBER.—In what year were you born, Doctor?

A. In '67.

Q. And you left Germany when twenty years old?

A. Yes.

Q. In 1887, then? A. Yes.

Q. And first went to Australia? A. Yes.

Q. How long were you in Australia?

A. Six years.

Q. What were you doing during that period in Australia?

A. I worked for a newspaper, as newspaper reporter and correspondent.

Q. At that time was it your purpose to make that your permanent occupation or calling?

A. No, having studied druggistry in Germany I intended to follow the medical profession.

(Testimony of Frank H. Schurmann.)

Q. At the end of these six years you came to the United States? A. Yes.

Q. Landing at San Francisco? A. Yes.

Q. That would be in the year 1893? A. Yes.

Q. How long did you remain on the Pacific Coast at that time? [193—103]

A. Only a short time.

Q. And did you live in Mexico? A. I did.

Q. When? A. Probably six years later.

Q. Along about 1899? A. Yes.

Q. How long did you live in Mexico?

A. About seven months, it was only a temporary stay.

Q. And that would be about 1899 or—

A. Yes, thereabouts.

Q. And where did you go from there?

A. Back again to the States.

Q. In what part of the States did you locate?

A. Chicago.

Q. Chicago. Now, can you state any more exactly when it was that you were in Mexico, Doctor?

A. No, I can't state that exactly, not the exact dates, but I can tell you—

Q. All right, what were you doing there?

A. I was in attendance on President Diaz at that time.

Q. As a physician? A. As Osteopath.

Q. Did you become a resident of Mexico?

A. I did not; no.

Q. Doctor, you spoke of Mrs. Beaseley as being always hard up, do you know anything about her

(Testimony of Frank H. Schurmann.)

financial condition or property?

A. Only as far as she would make a request for small sums of money, stating that she needed a little cash on hand as she didn't have any, that she needed to buy this thing or that thing.

Q. Well, you don't know from your own knowledge whether she is a person who has some means or not?

A. No, though I heard from other people that she has been [194—104] practically begging from them, that she lived for instance with the family of Gramberg—

Q. But you have no personal knowledge?

A. No, I have no personal knowledge.

Q. Doctor, you have referred to these uniforms that Mrs. Ludwig, I believe, spoke about and that you afterwards talked to me about? A. Yes.

Q. Can you fix the time of your conversation with me about these uniforms, the time that you came to my office in regard to them relative to the time of the beginning of this action?

A. I can't say whether it was prior or after.

Q. I will ask you to try and recollect if you can, Doctor?

A. My ideas are it was prior. I cannot recall.

Q. You at that time made to me substantially the same statement you made on the stand, that you had some uniforms there that had been used in connection with theatricals? A. Yes.

Q. And that you would be glad to surrender them to our custody if wanted? A. Yes.

Q. Perhaps we can best clear up matters in regard

(Testimony of Frank H. Schurmann.)

to these letters, I don't see that was particularly designated, but your letter addressed to me of August 26, 1917, will you state to the Court the occasion of writing this letter, if you know?

A. I do not know now.

The COURT.—Is that the letter tendering the uniforms?

Mr. HUBER.—No, in regard to the books.

A. There was really no special reason excepting that I felt it my duty to surrender the books to the United States. [195—105]

Q. Now, Doctor, let me refresh your recollection again. Do you recall the first time you came to my office in regard to your book which was the first time as far as I recall that you ever came to my office?

A. No, I don't recollect that occasion.

Q. Well, do you not recollect, Doctor, that you came to my office with a copy of your book and asked me as to whether or not it would be proper for you to sell that book now that the United States and Germany were at war?

A. Exactly, I recall it now most decidedly.

Q. And that you then left with me and I told you that I had not read the book, did not know its contents, and could not give you an opinion or judgment in the matter? A. Sure.

Q. But that I would read the book and do so, do you recollect that? A. I do.

Q. Now, do you remember what followed, do you remember what I said to you after reading the book?

(Testimony of Frank H. Schurmann.)

A. I think you said that as a loyal American, do not sell any.

Q. Yes, and what further was said about referring the matter—do you recall that you requested I refer the matter to the authorities at Washington and to get their opinion? That was your request, was it not?

A. I can't say now if that was my request or if you made that suggestion to me.

Q. And I told you that I would send the book, and did so? A. Yes.

Q. Now, Doctor, isn't it true that this—that following that there was some criticism of your book or your selling the book appeared in the "Advertiser?" [196—106]

A. Most decidedly.

Q. And it was on that account that you wrote me this letter? A. I don't think so.

Mr. McBRIDE.—I inadvertently overlooked reading the letter, I will read it aloud.

Mr. HUBER.—Yes, I would like to have you read it.

Mr. McBRIDE.—This is Doctor Schurmann's letter. (Reading:) Honolulu, T. H., August 26, 1917. Hon. S. C. Huber, U. S. District Attorney, Dear Sir: I beg to draw your attention to the following statement made by the Bystander in today's (Sunday, August 26, 1917) "Advertiser." "Schurmann says he was advised by the Federal Attorney to cease circulating this book on Saturday, August 18th. Why then did he sell at least one copy on Tuesday, August

(Testimony of Frank H. Schurmann.)

21st? I would be glad to submit the proof of this sale to the Federal Authorities." I hereby most emphatically deny that any book was sold by me after Saturday, August 18th, neither do I intend to do so except by permission of the United States Attorney General. With hundreds of copies in circulation here in Honolulu, the "Advertiser" has no doubt found it easy to obtain a copy of the book and then deemed it expedient to add to its countless dirty tricks and lies—by juggling with the date of the sale of the above mentioned book. If the tool employed by the "Advertiser" should be given the third degree he would either break down or perjure himself and further mischief might thus be prevented. I am perfectly willing to deliver into your hands all remaining copies of the Red Book until a decision is handed down by the Attorney General or until a treaty of peace is signed between the United States and Germany. Most respectfully yours, (Signed) F. Schurmann. [197—107]

And Mr. Huber's reply is as follows: August 27, 1917. Dr. F. Schurmann, 167 Beretania Avenue, City. Dear sir: Replying to your favor of yesterday, which I have just received, beg to say that I see no necessity for your depositing the books in question with me. The item in the "Advertiser" is an error as to the dates, the fact being that you brought me a copy of your book on August the 18th and it was not until late in the afternoon of August 20th that I gave you my opinion in regard to the same.

(Testimony of Frank H. Schurmann.)

Yours truly, (Signed) S. C. Huber, United States Attorney.

Mr. HUBER.—Do you recall the occasion of your offering these books was on account of the incident referred to in your letter?

A. That is not improbable.

Q. And later the books were requested by my office and you delivered them to the marshal; that is true, isn't it? A. Yes, that is true.

Mr. HUBER.—That is all, Doctor.

Mr. McBRIDE.—That is all. [198—108]

Testimony of Oscar Bernard, for Respondent.

Direct examination of OSCAR BERNARD, for respondent, sworn.

Mr. McBRIDE.—What is your name, please?

A. Oscar Bernard.

Q. What is your business? A. Draftsman.

Q. What is your nationality? A. Frenchman.

Q. Do you know the defendant, Doctor Frank H. Schurmann, in this case?

A. I know him six years and ten months.

Q. Prior to the declaration of war by the United States of America upon the Empire of Germany on the 6th day of April, 1917, that is, before that time, state, Mr. Bernard, whether or not you had occasion to discuss the matter of the war of the United States or Germany with this defendant here?

A. You mean before the war or after the war?

Q. I want you first to tell us as to before the war.

A. Before the war?

(Testimony of Oscar Bernard.)

The COURT.—Before the United States was in it?

Mr. McBRIDE.—Yes, before the United States was in the war.

A. All right, during my association with Doctor Schurmann, it was quite customary for him and I to have a social argument on various subjects. I have never heard from him personally make any specific remark towards the United States Government or any other form of government. We have had these questions and arguments on various lines, and talked time and time again on social argument, and I have never heard him make any specific remark against the United States Government [199—109] or any other form of government.

Q. Are you an American citizen? A. No, sir.

Q. You are loyal to France, are you?

A. I am still considered a Frenchman.

Q. And you are loyal to France?

A. I can't be loyal to two countries.

Q. Which country are you loyal to?

A. I am a subject of the American rule of government.

Q. Then you are, therefore, loyal to the United States of America?

A. Certainly, I can't be loyal to two forms of government, how can I be?

Q. But you are loyal to the United States?

A. Yes.

Q. Now referring to the time before the United States entered the conflict in April of 1917, just give us the time, place, when and the circumstances of

(Testimony of Oscar Bernard.)

some of these discussions and social arguments you had with the defendant, and tell his Honor, Judge Vaughan, what you said and what the doctor said.

The COURT.—Of course, I don't care how many occasions he had or discussions he had, but anything he said that might affect the question of his loyalty.

Mr. McBRIDE.—Whether he was in favor of the United States or against it, or in favor of Germany or against it, and so on.

A. As far as my time which I have observed, I don't believe Doctor Schurmann ever been in the line of talk—I don't think he favored any form of government excepting municipal government from his line of talk which I get.

The COURT.—Only that of the United States, is that what you say?

Mr. HUBER.—I move to strike it out as wholly the conclusion of the witness, and in no sense responsive to the question. [200—110]

The COURT.—Mr. Bernard, they haven't called on you to give your opinion whether he is loyal or not or whether he is in favor of our form of government or not, but they called on you to repeat what, if anything, you heard him say that might enable somebody else to determine whether or not he was loyal or not.

A. I can't recollect any time I heard him state to me personally any specific remark against municipal government.

Q. You say you can't recollect him ever having made any remark, can't ever recall him having made any remark that might throw light on the question

(Testimony of Oscar Bernard.)

whether he was loyal, or how?

A. No, sir; I never heard it.

Mr. McBRIDE.—In any of these discussions or social arguments, Mr. Bernard, that you had with the defendant, did he ever tell you that he was in favor of the American form of government?

A. He told me that time after time, over a dozen times.

Q. Did he say anything to you in any of these discussions as to whether or not he was in favor of or against Prussian autoocracy, the Prussian form of government?

A. Well, his social arguments with me, against any of these forms, any of the European forms of government, Prussian government or Kings or rulers, he was not in favor of those people at all.

Q. Now during the six years and ten months that you have stated here you have been acquainted with the defendant, please tell the Court as to the nature of the relations existing between yourself and Doctor Schurmann, you say they were social arguments?

A. Yes.

Q. Where did they take place?

A. They took place at home on the front veranda, and sometimes in the office, in the evening. [201—111]

Q. Were you a roomer at the house there?

A. I was a roomer at his house.

Q. And you had occasion to talk to the doctor many many times? A. Yes.

Q. Now, do you know whether during any of that

(Testimony of Oscar Bernard.)

period of time the doctor had any large portraits hanging on the wall of George Washington, Lord Nelson, Abraham Lincoln and others?

A. He had that.

Q. You saw them yourself? A. I saw them.

Mr. McBRIDE.—Your witness.

Cross-examination of OSCAR BERNARD.

Mr. HUBER.—How long have you been in Honolulu, Mr. Bernard?

A. I came here in 1912, the 13th day of the first part of the year.

Q. And you have been very friendly with Doctor Schurmann ever since that time?

A. We are just the same as two brothers, he borrowed money from me and I borrowed money from him.

Q. Now where were you born, Mr. Bernard?

A. Paris.

Q. And how long have you lived in France?

A. I left there thirteen years of age.

Q. Were your parents French people, of the French blood?

A. French people as far as I know.

Q. And where did you go when you left France?

A. I came to Montreal, Canada.

Q. And how long did you live there?

A. About a year. [202—112]

Q. Where did you go then?

A. Buffalo, New York.

Q. And from there where?

A. Montreal, again.

(Testimony of Oscar Bernard.)

Q. How long did you live in Canada that time?

A. Six months.

Q. Where did you go then? A. Boston.

Q. And how long were you there?

A. There about two years.

Q. Then where did you go to? A. Michigan.

Q. And how long were you there?

A. Six months.

Q. Where did you go from there?

A. Minominie, Wisconsin.

Q. And from there where?

A. I can't give all I have been to.

Q. But different parts of the United States?

A. I have been all through the United States.

Q. Were you out of the United States after that, before coming here?

A. I have been back and forth between the United States and Canada, but the majority of the time in the United States.

Q. Were you back to Europe after the first time you came to the United States?

A. I went back to France in 1900.

Q. And how long were you there then?

A. Six months.

Q. And then where did you go?

A. Came back to Canada and the United States.

Q. Yes, and have you been back to Europe since?

A. Yes, in 1906.

Q. Where did you go that time? A. Europe.

Q. What part of Europe?

A. England, Liverpool, Glasgow, Scotland, Port-

(Testimony of Oscar Bernard.)

land, and in Europe, and back to the United States again.

Q. How long were you in Germany that time?
[203—113]

A. I was there twice, the first time I was there ten months and the second time two months.

Q. And in what years?

A. The first time I was in Germany was, I recollect, 1892, I took a course in drawing.

Q. How old were you then?

A. In 1892 I was a young man, I guess—

Q. When were you born, what year were you born in?
A. In 1871, the 28th of December.

Q. You stated a while ago that you came to the United States when you were thirteen years of age and did not return to Europe until 1900?

A. To Canada.

Q. But you did not return until 1900?

A. Back to France, I went back to France in 1900, to the Exposition.

Q. But I understood you did not leave the United States except to go to Canada after you came, when you were thirteen, until 1900. Now, did you ever live in any part of Canada except Montreal?

A. I have been working in every city in Canada, in six cities in Canada.

Q. In Quebec? A. I have been there.

Q. How long? A. As a visitor.

Q. You never lived there?

A. I had to live one week, two weeks, sometimes two months.

(Testimony of Oscar Bernard.)

Q. And what have you been employed at since you have been in Hawaii, Mr. Bernard?

A. I have been employed all around. When I first came here I went in an office as a draftsman. I have been trained in school mechanical in Canada.

Q. Who are you working for now? [204—114]

A. Working for myself just now.

Q. How long since?

A. Oh, about five weeks now.

Q. And just before that who were you working for? A. Inter-Island.

Q. How long did you work for them?

A. About four years.

Q. And what class of work were you doing there?

A. Ship carpenter.

Q. About four years? A. Yes.

Q. You say you never heard Doctor Schurmann say anything against the United States?

A. No, personally I never heard it.

Q. Did you ever hear him say anything in favor of the United States? A. Yes.

Q. What did you hear him say?

A. Heard him say he was in favor of Republican form, United States, because more privileges and more freedom from monarchical government.

Q. Can you read and write, Mr. Bernard?

A. I can in French a little bit, but English not very well.

Q. Do you read any English?

A. Some, but I am not a scholar.

Q. You do not read English?

(Testimony of Oscar Bernard.)

A. No, because I only use it in my line of drawing, I don't use it in writing.

Q. Now, Mr. Bernard, you wrote an endorsement on his book, "The War as Seen Through German Eyes," did you not?

A. I have a letter there.

Q. This is your letter, is it not?

A. I dictated the letter to Doctor Schurmann, he wrote and I signed. [205—115]

Q. He read it to you after you dictated it?

A. Yes.

Q. And got it correct? A. Yes.

Q. As it has been printed in the book?

A. Yes.

Q. And it is correct, is it?

A. I dictated the letter to Doctor Schurmann, he wrote and read to me afterwards, and I signed.

Q. And it has been read to you as it appears in the book? A. Yes.

Q. And that is your sentiment? A. Yes.

Q. Mr. Bernard, have you had any conversation with Doctor Schurmann about a bomb? A. Yes.

Q. And you were going to make a bomb for him, were you? A. A bomb loaded with tobacco.

Q. When was that?

A. Some time about a week after we had the picture of Germany.

Q. You were with Doctor Schurmann that night at the show, were you?

A. Well, I bought the ticket and took him with me.

Q. And why did you make that bomb?

(Testimony of Oscar Bernard.)

A. Made it to run a bluff if there was any opportunity to appear again, but I didn't go there no more with Doctor Schurmann after that.

Q. Did you and Doctor Schurmann talk about that bomb that night after the show? A. Next day.

Q. In the morning? A. Yes.

Q. And in that conversation did the doctor tell you that he wished he had the bomb that night?

A. No. [206—116]

Q. What did he say about the bomb the next morning?

A. He asked me if I could make one for a bluff, and I suggested I make one but must not use explosive at all. He said to put tobacco, so I bought sack Durham tobacco—sack Red Indian and load it with that, it was made out of box of bottle of ink.

Q. He asked you to make the bomb, did he?

A. Yes.

Q. He asked you to make a bomb, did he?

A. Yes.

Q. Did you give it to him?

A. No, it wasn't made when the Marshal Smiddy came, it wasn't done yet. It wasn't ready with paint, only wanted a coat of paint.

Q. Now, Mr. Bernard, is that the only bomb you have had anything to do with?

A. Well, I tell you truth about it first one I made, but I have knowledge to produce bombs.

Q. You know how to make them? A. Yes.

Q. And you have talked about it to the doctor, haven't you?

(Testimony of Oscar Bernard.)

A. Only time I talk with him, but I can make bombs, I can do that.

Q. And this conversation that you had with the doctor about the bomb was the next morning after you had been over to the picture show?

A. We *talking* about it this second day after I made the bomb and loaded it with tobacco and put on my shelf to dry and add one more coat of paint to give to it and didn't dry.

Mr. HUBER.—That is all.

Redirect Examination of OSCAR BERNARD.

Mr. McBRIDE.—Now, let's inquire a little more about this bomb [207—117] that counsel has been interrogating you about. What was it made out of?

A. The first part was paper box which we got, buy bottle of ink in.

Q. That is the package enclosing the bottle of ink?

A. Three and a half inches long and three-quarters diameter, and the doctor speak to me, and I says, "Yes, I will make that, and we musn't use no chemical."

Q. Did you use any chemicals in it?

A. No, he suggested to me to put tobacco in and I said all right, not chemical, we will use that.

Q. What kind of tobacco did you use in this bomb, Bull, tobacco? A. Red Angel, Red Indian.

Q. And you say you gave it one coat of paint?

A. Yes.

Q. And hung it up to dry? A. Put on shelf.

Q. And it was on the shelf in your room in plain sight of everybody, wasn't it? A. Yes, not high.

(Testimony of Oscar Bernard.)

Q. No, because Marshal Smiddy put his hand on it as soon as he walked in, and he did put his hand on it as soon as he walked in, and grabbed it?

A. He put hand on it, he wasn't afraid.

Q. He wasn't scared then?

A. No, he put it in his pocket.

Q. And you say that you have knowledge of how to make bombs but you never made any real ones?

A. Well, I know he against the law, and we can't make these bombs in a place containing vibration, they can't be made.

Q. That is, you have to have a special concrete base or foundation?

A. Yes, or go in mountain, the rocks, somewhere where no vibration, [208—118] even not that place here.

Q. The United States have these sort of places?

A. Yes.

Q. And I understood you to say one other reason why you wouldn't make a regular honest-to-goodness bomb was because it is against the law, is that right?

A. Yes, and in second place you couldn't make any kind of explosion without chemicals.

Q. And you have never secured any ingredients for bombs from anybody? A. No.

Recross-examination of OSCAR BERNARD.

Mr. HUBER.—Have you ever applied for citizenship or taken out any citizenship papers in the United States?

A. No, sir.

(Testimony of Oscar Bernard.)

Q. And you do not claim to be an American citizen?

A. Not me, and the authorities that published that I never claimed to be. I have applied here to the District Court here and asked information and it was not granted to me, he said I couldn't get citizen papers. At that time I had to have citizen papers to work in the Navy Yard, couldn't get in without that and it was of my interest to get it and go to work in Navy Yard or get out of here.

Q. What you lacked was witnesses to testify to your residence?

A. Well, the clerk at that time was a young man, he told me at the time of the war I couldn't become a citizen and I asked [209—119] no more information, turned around and walked off.

Q. Mr. Bernard, Doctor Schurmann has read his book to you, has he not? A. A part.

Q. And you agreed with those sentiments?

A. In a way.

Q. In a way?

A. Lots he read to me I don't agree.

Q. You know the doctrines of socialism?

A. He is socialistic.

Q. You are a socialist, are you not?

A. I was.

Q. You recognize yourself as such?

A. I am known to be one for many years.

Q. And you know the present doctrine of Bolshevism as announced from Russia and spreading throughout Europe and elsewhere, do you not?

(Testimony of Oscar Bernard.)

A. Well, I know something about it, I don't claim to be that kind of a socialist.

Q. You do not subscribe to these doctrines?

A. No, you have record of me in San Francisco to be one for many years.

Q. I am asking you if you know what this Bolshevism is and if you believe in that?

A. I am known to be revolutionist and socialist in the form of peace. I do not stand for any war or any force.

Q. And you don't subscribe to war at any time and for any cause?

A. I was not subscriber for war at any time.

Q. In other words, you do not believe in war for any cause, is that it? [210—120]

A. I don't support any war, but I was forced to support and donate and I have donated very much against my will.

Q. Your principles did not approve of it, that is, you mean that you have contributed but your principles did not approve?

A. I don't spend for any war at all.

Q. And not now do you approve of it?

A. I don't approve of it at no time.

Redirect Examination of OSCAR BERNARD.

Mr. McBRIDE.—But you are glad the war is over, are you not, Mr. Witness?

A. I am glad, because want to get out of here.

Q. But you are glad now that the war is over?

A. Yes.

Q. Glad to see it ended? A. Yes.

(Testimony of Oscar Bernard.)

Q. You are glad to see all of this brutality ended, people losing their lives and things of that sort?

A. Don't stand for any brutality at all.

Q. And you are not a Bolshevik?

A. I don't think I am at all.

Q. And as far as the question of loyalty is concerned, Mr. Bernard, you claim to be loyal to the United States of America?

A. Chemically interested, yes; but I don't stand for war.

Q. And you like the rule of action of the United States?

A. I understand more of the rule of action of the United States than any form of government, never had any trouble with anybody and willing to stay that way. All I ask them is privilege to earn my living, that is all I ask. [211—121]

In the United States District Court, in and for the Territory of Hawaii.

THE UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANK H. SCHURMANN,

Respondent.

Honolulu, H. T., January 9, 1919, 10:00 A. M.

Mr. McBRIDE.—At this time, if the Court please, I ask leave in view of the circumstances to recall Doctor Schurmann simply for the purpose of one or

(Testimony of Frank H. Schurmann.)

two questions which in the hurry the other day I overlooked.

The COURT.—Very well.

**Testimony of Frank H. Schurmann, for Respondent
(Recalled).**

Direct examination of FRANK H. SCHURMANN, for respondent, recalled.

Mr. McBRIDE.—Doctor Schurmann, with reference to the witness Holliday, please state, if you know, what his nationality is.

Mr. HUBER.—Object to that as incompetent, irrelevant and immaterial, your Honor.

The COURT.—Objection overruled. [212—122]

A. Mr. Holliday is British.

Mr. McBRIDE.—State whether or not Mr. Holliday knew that you personally had no love for the English as contradistinguished from the British.

Mr. HUBER.—I object to that as calling for a conclusion of the witness.

Mr. McBRIDE.—Withdraw the question and will put it another way.

Q. State whether or not you ever informed the witness Holliday as to your feelings towards the English people as contradistinguished from the British people, answer yes or no.

A. Not about the English people but the English policy.

Q. What did you tell him?

A. I told him I did not agree with the policy of

(Testimony of Frank H. Schurmann.)

England as shown by history, especially the ill-treatment of Ireland.

Q. As a matter of fact, Doctor, the discussions or disputes between you and the witness Holliday arose from the fact that you did not believe in the policies of England towards Ireland, and he on the other hand did believe therein, is that the idea?

A. Yes.

Q. And I will ask you in a general way if that is not the policy also of the Mrs. Beaseley who testified here? A. Yes, sir.

Q. What nationality is Mrs. Beaseley?

A. She is English.

Q. Is that also true as to Mrs. Ludwig?

A. She is also English, yes.

Q. And the same discussion arose in the same manner, you holding to one belief and she holding to the other as to the policy [213—123] of the English towards Ireland? A. Yes.

Q. And towards the English policy generally?

A. Yes.

Mr. McBRIDE.—That is all, Doctor.

Mr. HUBER.—I don't care to ask any questions. No cross-examination. [214—124]

Testimony of S. C. Huber, for Respondent.

Mr. McBRIDE.—We will call Mr. Huber to the stand. We will waive the oath.

The COURT.—Swear him.

Direct examination of S. C. HUBER, for respondent, sworn.

(Testimony of S. C. Huber.)

Mr. McBRIDE.—Mr. Huber, you are the duly appointed, qualified and acting United States Attorney in and for the District and Territory of Hawaii, are you not? A. I am.

Q. When did you assume the incumbency of that position?

A. Some time during the month of May, 1916, I cannot tell the exact date.

Q. But at any rate during the middle part of the year 1916 you were appointed and assumed the functions of that office?

Q. And ever since that time you have been acting in that capacity? A. Yes.

Q. And are now acting in that capacity?

A. Yes.

Q. Mr. Huber, where were you born?

A. In Perry County, Pennsylvania.

Q. Where were you raised, Mr. Huber?

A. In the State of Pennsylvania. I lived one year in the State of Maryland during my boyhood, and when sixteen years of age went to Kansas and returned to Pennsylvania and lived there until I was twenty-one, and went to Iowa for twenty-four years, then came to Hawaii. [215—125]

Q. Where were you educated?

A. For three years I attended school in Kansas, and one year I taught of that period.

Q. Where did you receive your technical education?

A. In the State of Pennsylvania, at Lebanon College, Anville, Pennsylvania.

(Testimony of S. C. Huber.)

Q. Of what descent are you, Mr. Huber?

A. I presume you would say Pennsylvania German. My ancestry, both on my mother's and father's side came from Switzerland, but German-speaking Swiss, and the language of that section of Pennsylvania was Pennsylvania Dutch, as it was called.

Q. Now, Mr. Huber, please state to the Court the first time that any complaints were made to you in your official capacity concerning the defendant in this matter, as to whether or not—as to whether he was or was not a loyal citizen of the United States of America?

Mr. BANKS.—I don't believe that is competent, if your Honor please.

The COURT.—That is immaterial, sustain the objection.

Mr. McBRIDE.—Mr. Huber, state whether or not complaints were made to you concerning Doctor Schurmann, the defendant in this case, as to whether he was or was not a loyal citizen of the United States of America, by persons other than those who have been introduced by the prosecution at this hearing.

Mr. BANKS.—Object to that, if the Court please.

The COURT.—Sustain the objection.

Mr. McBRIDE.—Mr. Huber, it appears from the Bill in Equity filed in this matter that the same was based upon the affidavit of one Mrs. Jeannette Ryan. Will you please explain to the Court why Mrs. Jeannette Ryan was not called as a witness in this case?

(Testimony of S. C. Huber.)

Mr. BANKS.—Object to that, if the Court please.

The COURT.—Overrule the objection.

Mr. HUBER.—At the time that the affidavit of Mrs. Ryan was attached to the petition, I was advised that she could be found in Oakland, California. I endeavored to locate her there, and also at another possible address, which was some place in Ohio, I don't remember which, but both efforts to locate her failed and I have been unable to find Mrs. Ryan since the time of the commencement of this action.

Mr. McBRIDE.—I don't care to be—I don't care about the exact date, Mr. Huber, but about how soon was it after the commencement of this equity matter that Mrs. Ryan, according to your present recollection, left the jurisdiction of this Court?

A. I think, as a matter of fact, that she left before, but I didn't know it until a short time after the filing of the petition, say within a week.

Q. Was any subpoena ever issued for Mrs. Ryan?

A. No, sir.

Q. You have stated, Mr. Huber, that you made various efforts to locate Mrs. Ryan during the pendency of this matter. Will you be good enough to explain generally what efforts were made in that direction?

A. Yes, I wrote to the addresses I had been given and conferred with the parties personally, those in the city that I was told would have information, and by correspondence with others.

Q. Did you take the matter up with any of the United States federal officials in these States?

(Testimony of S. C. Huber.)

A. I think I did in San Francisco. I know I did other features of the case, but as to Mrs. Ryan I wouldn't be positive.

Q. State whether or not, Mr. Huber, any complaints concerning the [217—127] loyalty or otherwise of Doctor Schurmann as an American citizen were made to you by any of the members of the so-called Hawaii Vigilance Committee, that is, Mr. Bockus, Mr. Cooke, Mr. John Watt or any other members of that—

Mr. BANKS.—Object to that, if your Honor please.

The COURT.—I can't see the relevancy of the matter, but at the same time I can't see what harm it will do. Overrule the objection.

Mr. HUBER.—Certain information was furnished to me by the Hawaiian Vigilance Corps, but not by any of the persons stated.

The COURT.—The Court understands the question was, was any complaint made to you by the parties named?

Mr. McBRIDE.—That is the question, your Honor.

Mr. HUBER.—I could answer that no.

Q. As a matter of fact, Mr. Huber, the institution of this equity proceeding was at the instigation or suggestion of the Hawaiian Vigilance Committee, was it not as contradistinguished from *from* any investigation of your own, you moved at the instance of the committee?

(Testimony of S. C. Huber.)

Mr. BANKS.—Objected to as incompetent, irrelevant and immaterial.

The COURT.—Overrule the objection, go ahead and answer it.

Mr. HUBER.—If the Court please, in that connection I would want to answer that fully, and not testify yes or no.

The COURT.—All right.

Mr. HUBER.—In accord with the policy of the Department of Justice relative to the war, the Department of Justice asked for the co-operation of all citizens and especially of certain organizations like the Hawaiian Vigilance Corps and the American Protective League, and that fact was well known to the Hawaiian Vigilance Corps. In fact, at my request the Hawaiian [218—128] Vigilance Committee appointed a special committee that was to confer with and co-operate with my office, and they have done so throughout the progress of the war, and Doctor Schurmann's case, together with other matters bearing upon the crime or dealing with the conduct of the war have been discussed at numerous times between my office and this committee, and at times I dealt with other members, just as a great many citizens have brought information of one kind or another to my office. There was no difference in this case and that of any other activities along the same line.

Mr. McBRIDE.—Will you please state what has been the general attitude of the defendant in this cause from the inception thereof as regards being

(Testimony of S. C. Huber.)

defiant towards this attempt to cancel his citizenship or as to being anxious and willing to have the matter cleared up?

A. If you will permit me, I will state just what was done in that regard. . The regulations under which the denaturalization was begun was a circular letter addressed to all United States Attorneys that no proceeding shall be begun before the matter is first submitted to the Attorney General. This was submitted to the Attorney General, with authority to commence this proceeding. At the time of receiving that authority I wrote—or upon the receipt of that authority I at once dropped a note to Doctor Schurmann asking him to bring to me his certificate of naturalization. He very promptly did so, I think the following day or just as soon as it could be done in the course of the mail.

Q. He interviewed you personally, did he not?

A. He brought the certificate personally.

Q. During that first conversation regarding the certificate, Mr. [219—129] Huber, what was the attitude of the defendant, I mean, did he act defiant or perturbed or what was it?

A. I only remember one thing. Doctor Schurmann I don't think was in the office a minute at that time, but he said he received my letter and brought the certificate in response to it, and I remember just one thing that was said at that time, the doctor said, as he turned to go out, he said, "I hope this does not mean any more trouble for me," or words to that effect.

(Testimony of S. C. Huber.)

Q. His manner was entirely dignified, was it not?

A. Nothing unusual about it to attract attention.

Q. He didn't fly off the handle or get hot tempered or do any other thing than what you have indicated?

A. No, sir.

Q. With regard to the Red Book, "The War as Seen Through German Eyes," which has been introduced as an exhibit for the Government in this case, you read that book, did you not, Mr. Huber?

A. Yes, sir.

Q. You likewise read, did you not, sundry and divers articles appearing in various publications in the United States of America and in Hawaii, which is a part thereof, during the years 1914, 15 and 16, wherein was debated the proposition whether the United States should enter the war, you read those articles, have you not?

A. I have read articles, but I don't know that I have read any articles which you have in mind.

Q. But along that subject?

A. I read a good deal on that subject.

Q. As a matter of fact, Mr. Huber, I have never read the book myself and hope I will not have to just yet, but Mr. Huber, as [220—130] a matter of fact, however, from your knowledge of this book and your knowledge of the other articles we are talking about along that general subject, are you not in a position to say with a few exceptions which you can later point out that this book is along the lines of the articles in question, the same general articles?

Mr. BANKS.—Object to that as incompetent, ir-

(Testimony of S. C. Huber.)

revelant and immaterial to compare this book with other articles.

The COURT.—Sustain the objection.

Mr. HUBER.—Now, if the Court please, I would like to make a statement in regard to the book. I can see how this statement can leave me in an improper position in regard to the book.

Mr. McBRIDE.—Then I think the whole thing should be gone into, and I respectfully warn the Court that if the gates are put down now that I want to go into the whole matter.

The COURT.—The witness is not going to relate any conversation, as I understand it, or his opinion of the book?

Mr. HUBER.—I would have to, your Honor, because I did express it and it would leave me in this position now on the stand that that kind of question would make it appear as though I might have expressed an opinion different from the opinion I did express and I don't want to be left in that situation. I am not here as a witness for the defendant, but as a voluntary witness to perform any duty under the law.

The COURT.—Read the question.

(Last question read.)

Mr. BANKS.—I will withdraw my objection.

Mr. HUBER.—I don't think that I should answer that question. I am not here as an expert on this book and don't think I [221—131] should testify, but to leave this record in that form would perhaps lead to a public impression that I had endorsed or ap-

(Testimony of S. C. Huber.)

proved of that book. Doctor Schurmann the other day did come into the question of bringing the book to my office and related part of what was said,—or in relating part of what was said, I don't propose in this statement to make any statement I did not make to Doctor Schurmann.

The COURT.—I will permit you to make any statement you made to Doctor Schurmann as part of the conversation he related.

Mr. HUBER.—On Saturday, the 18th day of August, 1917, just a little before noon, Doctor Schurmann came to my office with a copy of his book. It was the first time I had ever exchanged words with Dr. Schurmann, and he asked me whether in my judgment he could properly sell that book at that time, meaning that was on August the 18th, 1917.

The COURT.—After we were then at war?

A. After we were then at war, and referring to this time, I refer to our country being at war. I told him I could not give him an opinion on that subject because I never seen the book, never read a line of it, and knew nothing only what I heard about it, but that I would be glad to read the book and give him my opinion. Now, this was on Saturday, just before noon, and the office closes at twelve o'clock. Between Saturday and Monday I did read the book and advised Doctor Schurmann in my judgment he should not sell or circulate the book, that it would be improper on account of the war. In that conversation the doctor suggested that I get a ruling from Washington on that same question and I told him that I

(Testimony of S. C. Huber.)

would do so, and did, I at once sent a copy of the book to Washington and told them I had so advised the doctor [222—132] and asked whether they concurred in my judgment. In due course of the mail I received a letter from the Attorney General stating that they did concur in my judgment, and that no loyal citizen would at that time, referring to the time of the war, circulate the book, and I immediately dropped Doctor Schurmann a line that I had received such a reply in regard to the inquiry made. The letter that is in evidence that Doctor Schurmann wrote to me which was written within the week that this transaction occurred makes reference to his bringing the book, makes reference to the fact that it was sent to Washington for a ruling and in that connection he suggested that he turn over the books pending the ruling. That was my statement I wished to make, and I trust your Honor will see that it is a proper explanation under the circumstances.

The COURT.—That is relevant to the matter that has already been testified to by the defendant, but the question as to whether or not in your judgment this book was in line with or like other propaganda of the same type in 1914 and 15 is altogether immaterial, and I sustain the objection to it.

Mr. McBRIDE.—Very well. Mr. Huber, you have just stated over the objection of counsel for the defendant that you read the book between Saturday and on Monday, I think it was. A. Yes.

Q. For the purpose of giving to the defendant your opinion as to whether or not the further sale or cir-

(Testimony of S. C. Huber.)

circulation of this book was proper? A. Yes.

Q. And you read the book carefully, did you, page by page, and word by word?

A. I read it all. [223—133]

Q. Completely? A. Yes.

Q. And from your reading of the book you arrived at the conclusion in your own mind that that was a publication that was offensive to every loyal citizen of the United States or something along that line, what opinion did you come to?

A. I felt that the circulation of that book at this time would be in line with discouraging American loyal activities and encouraging the enemy's loyalty.

Q. In what regard, how?

A. Well, in a number of respects, its especial eulogy of Prussian autocratic ideas, its justification of the sinking of the "Lusitania" and its special reference thereto. One thing I remember particularly, that it spoke of while the Germans in this country who were naturalized might observe their oaths to the United States, that the many Germans in the country who had not taken such oaths would probably not restrain themselves, and I could say, Mr. McBride, that I don't believe there is a subject treated on that bears out the idea or that was in harmony with what my ideas of what American loyalty consists of.

Q. Well, you claim, Mr. Huber that the book contains statements untrue, matters that are not true as a matter of history or common knowledge, is that

(Testimony of S. C. Huber.)

what you claim, or is it the conclusions rather than any statement of fact?

A. Well, there are some statements of fact I never have had verified and I don't know whether they are true or not, but what I objected to more particularly was the conclusions that were drawn and the manner in which the whole subject was treated. It seemed to me that it was just as the doctor himself so well expressed it the other day, clearly propaganda for the purpose [224—134] of keeping America out of the war, and that of course was German propaganda at that time.

Q. Mr. Huber, let me ask you this question, would your opinion have been in any manner or wise, affected, modified or changed should you have been called upon to pass upon the book and render an opinion thereupon during, for instance, the month of July, 1916?

A. Yes, I think it would, Mr. McBride.

Q. In what regard?

A. Because my attitude toward the whole war was such that I could not endorse any—there never was a time that I could have endorsed any of these sentiments.

Q. At any time at all?

A. No. I remember I travelled through Europe in 1911, and I went through England also, and through Germany. My two daughters spent five years in these countries just prior to the war, and in letter after letter when they were in Germany they

(Testimony of S. C. Huber.)

spoke of the signs and the preparations for war, and I saw it afterward.

Q. In both countries, England and Germany?

A. No, I did not see it in England, I did not see it in any other country except Germany, but there was not a single place that I was in Germany where there were not large numbers of troops assembled. I remember the King of Sweden in Berlin when I was there, I saw him and the Kaiser together on several occasions, Unter den Linden, for the purpose of surveying troops. There were large masses of troops assembled, you could not go a single place that you did not confront preparations for war, and that, with the other knowledge I had received through my daughters and from other sources made me feel that the war [225—135] was not in accord with Germany's explanation, that is, the beginning of the war in accord with Germany's explanation of it but entirely in harmony with what England and France claimed in regard to it, so having that viewpoint to begin with I could not agree with any of these statements because they were so contrary to what I understood to be the fact.

Q. Then I take it that your opinion was somewhat affected by the personal knowledge you had of conditions in Germany acquired in 1910, and also from the correspondence from your daughters, or your family, information, that had a lot to do with it, had it not? A. Undoubtedly.

Q. And I take it also from the general trend of

(Testimony of S. C. Huber.)

your remarks that you are personally opposed to war, are you not? A. No.

Q. Rather, opposed to the preparations you saw or observed there?

A. I did not say I was opposed to them, I said I saw them.

Q. And you didn't like them?

A. Oh, no, I simply observed them, and I knew they were being prepared for a purpose, all that preparation was not simply for show, but for a purpose. My father carried a musket in the Civil War and I would be mighty glad to carry one in this if my opportunity came.

Q. So you claim, then, that in your judgment and opinion and from the personal knowledge you acquired, as stated, that the circulation of this publication was just as offensive to a loyal American citizen and each and every one thereof during, for instance, the year 1916, as it would be now?

A. I don't know how it affected anyone else. I know how it affected me and how I think it would affect any loyal American [226—136] citizen. I don't believe any loyal citizen would subscribe to the things advocated in that book.

Q. You being more familiar with the publication than I am, Mr. Huber, will you be kind enough to point out what, in this publication, in your judgment, constitutes a direct attack against the United States of America?

A. I would not say that there was anything—
Mr. BANKS.—I object to that.

(Testimony of S. C. Huber.)

The COURT.—You can argue that out when the time comes. The book is introduced in evidence already. The Court has read the book, and whether or not it does have the effect to show disloyalty is for the Court to decide, and not for the District Attorney.

A. I expected to point those things out in argument, but I am willing to do it under oath.

The COURT.—I think you have gone sufficiently into Mr. Huber's personal opinion in regard to the matter.

Mr. McBRIDE.—Now, Mr. Huber, in regard to the matter of some uniforms that have been testified to in evidence here, tell us what you know about that proposition, please, generally.

A. Yes, sir. I know that it was a short time after this bill was filed, I would say within two weeks, it may have been within a week, and that again was on a Saturday. Doctor Schurmann came to my office and said something that he thought perhaps he ought to tell me. I asked what it was and he said he had at his home, I believe, about a half a dozen, he said, I wouldn't be certain about the number, he may have said that or he may have said a few, German uniforms that he had obtained for the purpose and used in connection with amateur theatricals, I think he said in connection with some singing club or society [227—137] that he was connected with, and that there might be some point made against him on account of him having the uniforms and he wanted us to know that he would be glad to turn them over to us and asked if I would not send over for them,

(Testimony of S. C. Huber.)

and I told him I could not send after them then. I know there was some particular reason that the doctor may remember, but I don't know just what it was, but I said if we want the uniforms I will send over for them on Monday, I think, or later, I don't remember whether I fixed a time, but I concluded in my own mind that there was nothing in the possession of these uniforms that was either beneficial or harmful to the Government, and I never sent for them.

Q. And as a general proposition would you say from his explanation of this proceeding, that from the inception of this case down to the present time that the defendant, Doctor Frank H. Schurmann in this case, has responded willingly, immediately and promptly to all requests made of him by the Government officials?

A. Well, I have made no requests of him. He has always been here when it was proper for him to be in court, and there have never been any favors asked one way or the other.

Q. I mean, has he ever refused to make any explanation demanded of any kind?

A. No, he has not, but I have never asked anything of him that I know of except to deliver the books at one time and to bring in his naturalization certificate another time, and he did both.

Q. Now, let us refer to this bomb incident that seems to have interested the press so much this morning and yesterday. About when was that, do you know? [228—138]

(Testimony of S. C. Huber.)

A. Yes, well, I would say the last week in September.

Q. Of 1917?

A. Yes, I was in Hilo, or on the Island of Hawaii during the incident at the Bijou Theater. I think I went to Hilo the 19th of September and was gone about a week, and the bomb incident occurred immediately after my return from Hilo, so I would say it was about the last week in September.

Q. Did United States Marshal Smiddy submit the bomb to you? A. Yes.

Q. And did you examine it? A. Yes.

Q. Did you have it analyzed by mechanical experts to—chemical experts to find out its ingredients?

A. No, sir.

Q. What was in the bomb, Mr. Huber?

A. Smoking tobacco.

Q. Is that all that was in it?

A. All we could find.

Q. It was all torn apart? A. It was cut open.

Q. And that was all that was in there, smoking tobacco? A. Yes.

Mr. McBRIDE.—That is all, thank you, Mr. Huber.

Mr. BANKS.—I have no questions, Mr. Huber; is there any statement you want to make? A. No.

The COURT.—Did I understand your statement Mr. Huber, that the defendant, in the fall of 1917, wished to circulate these books?

A. Well, he simply brought the book to my office and asked me whether it would be proper for him to

(Testimony of S. C. Huber.)

sell and circulate the book at that time, and I expressed the opinion, as I stated, that it would not, that is after reading the book, but not in that conversation. [229—139]

Q. When you expressed your opinion he wished you to get a decision from the Attorney General on it? A. Yes, sir.

Mr. BANKS.—Did he want to know whether it would be a violation of the law, Mr. Huber, to circulate that book, or what?

A. I would not state at this time whether he said anything about the law. My best recollection would be that he asked whether it would be proper for him. I have no independent recollection, and I have refreshed my recollection by referring to my letter to the Attorney General, but I used the word proper there in the letter written within three days after it occurred, so I am inclined to believe what he said at that time was, whether it would be proper.

Mr. BANKS.—That is all.

Mr. BANKS.—We have nothing further.

Mr. McBRIDE.—The defendant rests.

(This closed the testimony in the above-entitled cause. [230—140])

Honolulu, H. T., March 11, 1919.

I hereby certify that the foregoing transcript of testimony, consisting of one hundred and forty (140) typewritten pages, is a full, true and accurate transcript of my shorthand notes of the testimony taken and the proceedings had upon the trial of the case of the United States of America vs. Frank H. Schur-

mann, upon the days and at the times in said transcript mentioned.

H. F. NIETERT,
Official Reporter, United States District Court.
[231]

*United States District Court in and for the Territory
of Hawaii.*

OCTOBER TERM, A. D. 1918.

PETITION FOR CANCELLATION OF CER-
TIFICATE OF CITIZENSHIP.

UNITED STATES OF AMERICA,
Plaintiff and Appellee,
vs.

FRANK H. SCHURMANN,
Defendant and Appellant.

Praecipe for Transcript of Record.

To the Clerk of the Above-entitled Court:

YOU WILL PLEASE prepare transcript of the record in this cause, to be filed in the office of the Clerk of the United States Circuit Court of Appeals for the Ninth Judicial Circuit, and include in said transcript the following pleadings, proceedings and papers on file, to wit:

1. Bill in equity, filed Aug. 27, 1918.
2. Appearance and answer of defendant, filed Oct. 25, 1918.
3. Motion for a continuance, filed Jan. 7, 1919.
4. All of exhibits of plaintiff-appellee.
5. All of exhibits of defendant-appellant.

6. Opinion of Court, filed Jan. 18, 1919.
7. Decree, filed January 15, 1919.
8. Notice of appeal.
9. Bond on appeal.
10. Order allowing appeal.
11. Orders extending time to transmit record on appeal.
12. Assignment of errors.
13. Citation on appeal. [243]
14. Petition for and on appeal.
15. Stipulation re transcript of testimony.
16. Notice of filing bond on appeal.
17. Transcript of testimony.
18. This praecipe.
19. Certificate of clerk to transcript of record.

Said transcript to be prepared as required by law and the rules of this court, and the rules of the United States Circuit Court of Appeals for the Ninth Circuit, and filed in the office of the clerk of said Circuit Court of Appeals at San Francisco, State of California, before the 10th day of August, A. D. 1919.

(S.) C. H. McBRIDE,

Attorney for Defendant-Appellant.

Dated Honolulu, Hawaii, July 10, 1919. [244]

*In the District Court of the United States in and for
the District and Territory of Hawaii.*

EQUITY—No. 10.

THE UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANK H. SCHURMANN,

Respondent.

**Certificate of Clerk U. S. District Court to Transcript
of Record.**

I, A. E. Harris, Clerk of the District Court of the United States for the District and Territory of Hawaii, do hereby certify the foregoing pages, numbered from 1 to 245, inclusive, to be a true and complete transcript of the record and proceedings had in said court in the cause The United States of America, Plaintiff, vs. Frank H. Schurmann, Respondent, No. 10, as the same remains of record and on file in my office, and I further certify that I hereto annex the original citation on appeal and five (5) orders extending time to transmit record on appeal and two (2) original exhibits in said cause.

I further certify that the cost of the foregoing transcript of record is \$26.90, and that said amount has been paid to me by the respondent in this cause.

In testimony whereof, I have hereunto set my hand and affixed the seal of said Court this 29th day of November, A. D. 1919.

[Seal]

A. E. HARRIS,

Clerk United States District Court, Territory of
Hawaii. [245]

[Endorsed]: No. 3422. United States Circuit Court of Appeals for the Ninth Circuit. Frank H. Schurmann, Appellant, vs. The United States of America, Appellee. Transcript of Record. Upon Appeal from the United States District Court for the Territory of Hawaii.

Filed December 15, 1919.

F. D. MONCKTON,
Clerk of the United States Circuit Court of Appeals
for the Ninth Circuit.

By Paul P. O'Brien,
Deputy Clerk.